

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, December 10, 2002
Tuesday, 9:06 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Josh Chittam, Plymouth Congregational Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes --
-- approved

The Minutes of the regular meeting of November 19, 2002, and special meeting of November 26, 2002, were approved 7 to 0.

AWARDS AND PRESENTATIONS

KANSAS BEST TEAMS Kansas BEST Teams were recognized.

PUBLIC AGENDA

(Addendum Item 1A)

Emmadell Robinson – Martin Luther King, Jr., Celebration Committee: City-Wide Event.

Emmadell Robinson

Emmadell Robinson spoke regarding a City-wide event taking place on Friday, January 17, 2003, and Saturday, January 18, 2003.

The Martin Luther King, Jr., Celebration Committee is sponsoring a *Battle of the Bands* between Langston University of Langston, Oklahoma, and Texas Southern University, Houston, Texas; a multicultural parade and *the North East Wichita Awards*.

King David Davis – Accountability.

King David Davis

King David Davis spoke regarding accountability.

NEW BUSINESS

WATERLINE

PETITION TO CONSTRUCT A WATERLINE ALONG NEVADA, BETWEEN 16TH AND 17TH STREETS. (District VI)

Neil Cable

City Engineer reviewed the Item.

Agenda Report No. 02- 2079

The signatures on the Petition represent 10 of 15 (66.67%) resident owners and 60% of the improvement district area. District VI Advisory Board held a November 4, 2002, neighborhood hearing on the Petition. The Board voted 9-0 to recommend approval.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 59

The project will serve a developed residential area.

The estimated project cost is \$40,000, with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.27 per square foot of ownership.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Fearey moved that the Petition be approved; the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.

RESOLUTION NO. 02-520

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89754, (north of 13th Street, west of West Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

IRB LEARJET

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS – BOMBARDIER LEARJET. (District V)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 02-2080

On September 10, 1996, the City Council approved a five-year Letter of Intent for Industrial Revenue Bonds in an amount not-to-exceed \$86 million, issued to Bombardier Learjet to finance expansion and modernization of its aircraft manufacturing plant located at Mid-Continent Airport in west Wichita. Council also approved a ten-year 100% ad valorem property tax exemption on all bond-financed property. On November 20, 2001, the City Council extended the Letter of Intent for an additional three-years until December 31, 2004. Under authority of the 1996 Letter of Intent, the City Council has authorized issuance of Industrial Revenue Bonds to Bombardier Learjet a total of approximately \$73.5 million in IRBs between 1996 and 2001. The company is now requesting City Council to issue industrial revenue bonds in the amount not-to-exceed \$6,000,000 to finance its capital investments for the year 2002.

Proceeds from the sale of the 2002 bond issue will be used for the purpose of purchasing, acquiring, constructing, and equipping improvements and additions to existing facilities. Bond proceeds continue to be used to finance the expansion and upgrading of facilities accommodating increased personnel and space required to develop and produce four of Bombardier's business jet aircraft: the Learjet 31A, the Learjet 60, the Learjet 45, and the new Continental Jet.

Bond proceeds are estimated to be used as follows:

Real Property Improvements	\$2,000,000
Machinery and Equipment	<u>4,000,000</u>
Total Cost of Project	\$6,000,000

The law firm of Hinkle Elkouri, L.L.C. will serve as bond counsel in the transaction. Bombardier Aerospace will purchase the bonds, and as a result bonds will not be offered to the public. Bombardier Learjet has complied with the Standard Conditions contained in the City's IRB Policy.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 60

Bombardier Learjet agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The City Council has approved a 100% tax abatement of ad valorem property taxes on the expansion project.

Bond documents have been prepared by bond counsel for the project. The City Attorney's Office will review and approve the final form of bond documents prior to the issuance of any bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Martz moved that the public hearing be closed; the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to- exceed \$6,000,000 be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds in the aggregate principal amount not to exceed \$6,000,000 for the purpose of providing funds to purchase, acquire, construct and equip improvements and additions to certain existing facilities located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a Sixth Supplemental Trust Indenture by and between the City and Intrust Bank, N.A., Wichita, Kansas, as Trustee with respect to the Bonds; prescribing the form and authorizing the execution of a Sixth Supplemental Lease Agreement by and between Learjet Inc. and the City; approving the form of a Guaranty Agreement; and authorizing the execution of a Bond Purchase Agreement by and between the City and Learjet Inc., as purchaser of the Bonds, introduced and under the rules laid over.

CESSNA AIRCRAFT

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS – CESSNA AIRCRAFT COMPANY. (Districts III and V)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 02-2081

Since 1991, the City Council has approved Letters of Intent for Industrial Revenue Bonds totaling a not-to-exceed principal amount of \$1.1 billion to finance expansion and modernization of Cessna Aircraft Company facilities in Wichita. Along with the letters of intent, the Council approved a five-plus-five-year 100% ad valorem tax exemption for all Cessna property financed with bond proceeds. Since 1991, approximately \$693 million IRBs were issued to Cessna. The company is now requesting the issuance of City of Wichita Industrial Revenue Bonds in an amount not-to-exceed \$95 million to finance its 2002 capital investments.

Bond proceeds are being utilized to expand and upgrade facilities located on One Cessna Boulevard and 5800 E. Pawnee, including technology and manufacturing equipment to accommodate increased personnel and space required to develop and manufacture the four business jet aircraft produced in Wichita: Citation Jet, Citation VI, VII and X, and Sovereign. Specific 2002 improvements at the Cessna One property, include renovations and upgrades to parts warehousing, aircraft completion, engineering, assembly, and the Pawnee facility manufacturing expansion. Acquisition of manufacturing machinery and equipment is also being financed. The expanded facilities and upgraded equipment are primarily focused on the manufacture of the Citation CJ2 and Citation Sovereign models.

The uses of the 2002 bond proceeds are as follows:

Land Acquisition	\$16,802,325
Building Improvements	15,922,333
Manufacturing machinery, tooling and equipment	<u>62,275,342</u>
Total uses of funds	\$95,000,000

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 61

The taxable Bonds will be privately placed with the company's principal bank. Cessna Aircraft Company has complied with the Standard Conditions contained in the City's IRB Policy.

Cessna Aircraft Company agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. City Council has approved a five-plus-five-year 100% ad valorem tax exemption on bond-financed property.

Bond documents have been prepared by Hinkle Elkouri, bond counsel for the project. The City Attorney's Office will review and approve the final form of any bond documents prior to the issuance of any bonds.

In addition to authorizing the issuance of the Series 2002 Industrial Revenue Bonds, the bond ordinance also authorizes the release of property financed by Series X, 1992 Bonds from the lien of the 1992 Bond Indenture and the conveyance of said property to Cessna upon receipt of certification by the Bond Trustee that no Series 1992 Bonds remain outstanding.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Martz moved that the public hearing be closed; the Bond Ordinance authorizing the execution and delivery of documents for the issuance of the 2002 Cessna Industrial Revenue Bonds in an amount not-to-exceed \$95,000,000 and the release and conveyance of 1992 Cessna bond-financed property be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue its Taxable Industrial Revenue Bonds, Series VIII, 2002 (Cessna Aircraft Company) in the Aggregate Principal amount of not to exceed \$95,000,000 for the purpose of purchasing, acquiring constructing and installing an industrial and commercial facility; authorizing execution of an Twelfth Supplemental Trust Indenture by and between the City and Intrust Bank, N.A., Wichita, Kansas, as Trustee with respect to the Series VIII, 2002 Bonds; authorizing the City to lease said project to Cessna Aircraft Company; authorizing the execution of an Twelfth Supplemental Lease by and between the City and Cessna Aircraft Company; authorizing the execution of a Bond Purchase Agreement by and between the City and Cessna Aircraft Company, as purchaser of the Bonds; and authorizing execution of a Bill of Sale, Termination and Release of First Supplemental Lease and Cancellation, Discharge and Release of First Supplemental Trust Indenture, introduced and under the rules laid over.

COXCOM

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS – COX COMMUNICATIONS, INC. (District II)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 02-2082

On October 16, 2001, the City Council approved a Letter on Intent to issue Industrial Revenue Bonds in the amount not-to-exceed \$6,645,000, and approved a 50% five-year tax-exemption on property financed with bond proceeds to Cox Communications, Inc. Bond proceeds will be used to finance the cost of acquiring, constructing and equipping a new 35,000 s.f. single story call center facility located at 9824 E. 35th Street in northeast Wichita. The company is now requesting the City to issue its Industrial Revenue Bonds in the amount not-to-exceed \$6,645,000.

Cox Communication, Inc. has been operating since 1962 and is the fifth largest cable television company in the U.S. Cox Communication is a full-service provider of telecommunications products that include Cox Cable, local and long-distance telephone services, high speed internet services, advanced digital programming services and commercial voice and data services. The company has approximately 6.2 million customers nationwide and operates in more than 20 states. The project will serve as the primary call center for the entire Cox Kansas cable and telecommunications system. Initially, the call center will retain 100 jobs within the Wichita area and relocate 24 jobs from other

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 62

parts of Kansas to Wichita. Cox Communication has committed to hire at least 150 new employees to staff the call center. The project will be leased to CoxCom, Inc., which will serve as tenant in the IRB lease. CoxCom, Inc., is a wholly owned subsidiary of Cox Communication, Inc., with its headquarters in Atlanta, Georgia.

An analysis of the uses of project funds is:

Land	\$ 377,625
Building Improvements	4,722,375
Furniture and Fixtures	<u>1,545,000</u>
Total Uses of Funds:	\$6,645,000

The firm of Hinkle Elkouri Law Firm, L.L.C., will serve as bond counsel in the transaction. The bonds will be privately placed with a financial institution.

Cox Communication agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The City Council has approved a 50% five-year tax exemption on all bond-financed property.

Bond documents needed for the issuance of bonds have been prepared by bond counsel. The City Attorney's Office will review and approve the form of bond documents prior to the issuance of any bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Mayor Knight

Mayor Knight declared a conflict of interest and abstained from participation.

Motion --

Pisciotte moved that the public hearing be closed; the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$6,645,000 be placed on first reading; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight abstained)

-- carried

ORDINANCE

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$6,645,000 Aggregate Principal Amount of Taxable Industrial Revenue Bonds, Series IV, 2002, (Cox Communications Project) for the purpose of providing funds to purchase, acquire, construct and equip a customer service call center; prescribing the form and authorizing execution of a Trust Indenture by and between the City and Intrust Bank, N.A., as Trustee with respect to the Bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the City and Cox Communications, Kansas, LLC; approving the form of a Guaranty Agreement; authorizing the execution of a Bond Placement Agreement by and between the City and Cox Communications, Kansas LLC, as purchaser of the Bonds, introduced and under the rules laid over.

COLEMAN

PUBLIC HEARING AND ISSUANCE OF INDUSTRIAL REVENUE BONDS – THE COLEMAN COMPANY, INC. (Districts I and II)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 02-2083

In 1993, the City Council approved the issuance of a five-year Letter of Intent for IRBs in the amount of \$80 million, issued to the Coleman Company, Inc. to finance the construction of a new corporate headquarters, the expansion of existing manufacturing facilities and the purchase of additional machinery and equipment for its manufacturing facilities in Wichita and Maize. In 1999, the City Council approved an additional four-year Letter of Intent for \$45 million and on November 19, 2002, the Council approved a new two-year Letter of Intent in an amount not-to-exceed \$10 million for improvements in Wichita and \$8.5 million for improvements in Maize, bringing the total letter of intent

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 63

amount to \$143.5 million. Between 1993 and 2001, the City has issued approximately \$108.3 million IRBs to finance improvements and equipment for the Coleman Company. In addition to agreeing to issue industrial revenue bonds, the City Council also approved a 100% five-plus-five-year ad valorem tax exemption on all bond-financed property. The company is now requesting the issuance of City of Wichita Industrial Revenue Bonds in an amount not-to-exceed \$13,525,000.

The bond proceeds will be used for the redesign of factory space and for the purchase of additional manufacturing equipment, primarily machinery, tooling and technological equipment. The Coleman Company, Inc. is engaged in the manufacturing and distribution of outdoor recreational products. The Company's principal products include a comprehensive line of pressurized lighting, cooling and heating appliances for camping and outdoor recreational use (such as Coleman lanterns and stoves), fuel-related products, including disposable propane-filled cylinders, a broad range of insulated food and beverage containers, portable electric lights, and other products for recreational use and do-it-yourself markets.

In early 2002, the Coleman Company began a series of steps to reestablish its worldwide headquarters in Wichita. The Wichita-based management team assumed direction of international operations in January 2002. Transition of corporate functions from Sunbeam's Florida office to Coleman's Wichita office is underway and will continue over the next few years. The Coleman Company has moved some of its corporate offices to the former Thorn America complex at 37th Street North and Rock Road and will be expanding to accommodate increasing management functions. Coleman expects to add 20 additional new jobs to their Wichita facilities as a result of this expansion. Coleman exports 99% of its products out of the state of Kansas.

The uses of bond proceeds are as follows:

Wichita Facilities

Building Improvements	\$ 740,000
Office and Machinery Equipment	<u>11,920,997</u>
Total	\$12,661,774

Maize Facility

Office and Machinery Equipment	<u>863,226</u>
Total	863,226

Total Cost of Projects \$13,525,000

The Coleman Company, Inc. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The City Council has approved a 100% five-plus-five-year ad valorem tax exemption on the expansion project.

Bond documents have been prepared by Hinkle Elkouri, L.L.C., bond counsel for the project. The City Attorney's Office will review and approve the final form of bond documents prior to the issuance of any bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Brewer moved that the public hearing be closed; the Bond Ordinance authorizing the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$13,525,000 be placed on first reading; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas, to issue Taxable Industrial Revenue Bonds, Series IX, 2002 (The Coleman Company, Inc), in the Aggregate Principal Amount of not to exceed \$13,525,000 for the purpose of providing funds to purchase, acquire, construct and equip improvements and additions to certain existing facilities located in the City of Maize, Kansas and the City of Wichita, Kansas; prescribing the form and authorizing execution of a Ninth Supplemental Trust Indenture by and between the City and BNY Trust Company of Missouri, as Trustee, with respect to the Bonds; prescribing the form and authorizing execution of a Ninth Supplemental Lease Agreement by and

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 64

between the City and The Coleman Company, Inc.; approving the form of a Guaranty Agreement, authorizing the execution of a Bond Purchase Agreement by and between the City, and the Coleman Company, Inc., as purchaser of the Bonds, introduced and under the rules laid over.

OLD TOWN CINEMA PUBLIC HEARING AND ADOPTION OF OLD TOWN CINEMA REDEVELOPMENT PROJECT PLAN. (District VI)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 02-2084

On November 9, 1999, the City Council established the Old Town Cinema Redevelopment District for the purpose of generating tax increment financing ("TIF") for eligible improvements located within the district. The action taken by the City Council set 1999 as the base year, from which the increase in property tax revenues (the tax increment) will be measured. On December 11, 2001, the City Council adopted an ordinance reducing the boundaries of the Redevelopment District to the area from Santa Fe to Washington and from Second Street to Third Street.

In order for the County Treasurer to be authorized to set aside the increment of increased property tax revenues collected within the Redevelopment District, the City must adopt a redevelopment project plan that describes the district and the projects being financed with TIF, and also sets forth the financial feasibility of the TIF revenues to finance the TIF-eligible improvements. On November 5, 2002, the City Council adopted a resolution stating it is considering the adoption of the Redevelopment Project Plan and directed the City Clerk to give notice that a public hearing would be held on the matter on December 10, 2002.

State law directs the City to prepare the redevelopment project plan "in consultation with the planning commission of the city." On December 5, 2002, the Wichita-Sedgwick County Metropolitan Area Planning Commission met to consider the Old Town Cinema Redevelopment Project Plan and found that the Plan is consistent with the general comprehensive plan for development of the City.

The financial feasibility study contained in the Redevelopment Project Plan examines the projected change in assessed valuation of the property located within the Old Town Cinema Redevelopment District from the base year (1999) to the year in which planned redevelopment projects will be fully reflected in the County's database of property values (2005). The following table summarizes the revenue side of the analysis:

	<u>1999 Base Year</u>	<u>2005 Projected</u>
Appraised Value	\$2,001,060	\$19,552,280
Assessed Value	\$ 471,134	\$ 4,615,275
Captured Value	\$ 0	\$ 4,144,141
2002 Mill Levy		<u>\$ 93.960</u>
Annual Tax Increment	\$0	\$ 389,635

The analysis assumes that only those projects which are currently planned will be constructed, that assessed property values in the district will remain unchanged once the planned developments are completed, and that the City/County/School District mill levy will not increase or decrease. The analysis shows that the stream of projected tax increment revenues, together with anticipated parking revenues is sufficient to retire the principal and interest on a \$4.985 million general obligation tax increment bond issue over a fifteen-year period at current interest rates. The balance of the \$9.3 million project costs are scheduled to be financed by general obligation bonds paid from general property tax revenues.

The plan for redevelopment of the Old Town Cinema area includes demolition of most of the existing structures in the Project Area and construction of a 35,000 square foot, six-screen Warren Theater, two 42,000 square foot commercial retail/office buildings, a 600-car public garage with 14,000 square feet of commercial retail space within the garage, and a central public plaza. The Project Area for the Old

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 65

Town Cinema Redevelopment Project Plan is the area between Santa Fe to Rock Island Avenue and between Second and Third Streets.

USE OF TAX INCREMENT FINANCING

Upon adoption of the redevelopment project plan, the City will have established its authority under state law to issue general obligation bonds to finance the TIF-eligible improvements, which bonds will be repaid from the incremental increase in property taxes resulting from the redevelopment of the Project Area, from parking revenue generated by the project and by City funds programmed in the approved 2001 Capital Improvement Program. The TIF-eligible improvements consist of the following:

Land acquisition	\$1,767,500
600-car parking structure with retail space	4,250,000
Public Plaza and streetscape improvements	2,962,500
Design costs	<u>320,000</u>
Total TIF-eligible costs	\$9,300,000

It is anticipated that the projects funded with tax increment financing will be financed with general obligation bonds. To the extent that tax increment revenues fall short of projections, City at large funding will be required to supplement tax increment revenues.

The Law Department drafted the Ordinance which is required for the adoption of a redevelopment project plan under the state tax increment financing statutes. The notice for a public hearing on the City's intent to adopt the redevelopment plan has been given pursuant to law. In order to adopt the redevelopment plan, the ordinance must be approved by a two-thirds majority. Once adopted, copies of the ordinance must be forwarded by the City Clerk to the County Clerk, County Treasurer and County Appraiser.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Fearey moved that the public hearing be closed and the Ordinance adopting the Old Town Cinema Redevelopment Project Plan be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance adopting a Redevelopment Project Plan for the Old Town Cinema Redevelopment District, introduced and under the rules laid over.

CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES:

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 02-2085

On October 22, 2002 a report was submitted with respect to the dangerous and unsafe conditions on two (2) properties. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on December 10, 2002.

On October 7, 2002, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

	<u>Property Address</u>	<u>Council District</u>
1)	1800 South Water – garage	III
2)	3017 South Clifton	III

Pursuant to State Statute the Resolutions were duly published twice on October 23, 2002 and October 30, 2002. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 66

It is recommended that the City Council close the public hearing, adopt the resolutions declaring the buildings dangerous and unsafe structures, and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structure. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of December 10, 2002; (2) the structure(s) has/have been secured as December 10, 2002 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of December 10, 2002 and will be so maintained during renovation.

If any of the above conditions are not met, the Office of Central Inspection will proceed with demolition action and also instruct the City Clerk to have the resolutions published once in the official city paper and advise the owners of these findings.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Lambke moved that the public hearing be closed; the Resolutions declaring the buildings dangerous and unsafe structures, be adopted; and the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures be accepted. Any extensions of time granted to repair the structure would be conditioned on the following: (1) All taxes have been paid to date, as of December 10, 2002; (2) the structure(s) has/have been secured as December 10, 2002 and will continue to be kept secured, and (3) the premises are mowed and free of debris as of December 10, 2002 and will be so maintained during renovation, be adopted. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 02-521

Resolution finding that the structure described as: Lots 97 and 99, Water Street, English's Seventh Addition, to Wichita, Sedgwick County, Kansas, commonly known as 1800 South Water – garage, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Lambke moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-522

Resolution finding that the structure described as: Lot 45, Block E, Planeview SubDivision No. 2, Sedgwick County, Kansas, commonly known as 3017 South Clifton, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Lambke moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

KELLOGG/WOODLAWN KELLOGG/WOODLAWN INTERCHANGE. (District II)

Steve Lackey

Director of Public Works reviewed the Item.

Agenda Report No. 02-2086

In January 2000, the City Council adopted Ordinance 44-481. That Ordinance provided funding for the Kellogg/Woodlawn project.

In February 2002, the City Council adopted the 2002-2011 Capital Improvement Program (CIP). The Kellogg/Woodlawn Interchange is included in the CIP as project F-31.

Bids were received on November 22, 2002. Sherwood Construction Company, Inc. was the low bidder with a bid of \$53,124,225.56. Approximate funding sources for this contract are as follows:

State System Enhancement Funds	\$35,690,000
Water Utility Funds	1,151,000
Sewer Utility Funds	1,504,000
Local Sales Tax	14,779,000

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 67

The other bid for the project was by Hamm, Inc. in the amount of \$63,660,359.97. If the project were to be re-bid, it is unlikely that Sherwood's bid would decrease. In fact, it would provide an opportunity for the low bidder to increase its bid to capture some of the difference between the two bids.

The State's budget problems have received widespread publicity. System Enhancement projects are one area where budget cuts are likely to occur as the State attempts to reduce its budget. By awarding this contract and beginning construction, the City can eliminate this project from budget cut consideration by the State.

The funding provided by Ordinance 44-481 is not sufficient to award the contract. An Ordinance to increase funding authorization by \$8.6 million dollars has been prepared. This increased funding will be generated from money in the current project budget that is not included in the current Ordinance (\$3.4 million) and from the cost under-run on the Kellogg/Tyler and Maize Interchange project (\$5.2 million).

Resolutions that increase the budgets for Water and Sewer Utility work have also been prepared. These Resolutions increase budget authority for the Water Utility Funds by \$151,000 and the budget authority for the Sewer Utility Funds by \$554,000.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Pisciotte moved that the Notice of Intent to publish be approved; the Ordinance be placed on first reading; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-523

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$580,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-524

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$160,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE

An Ordinance of the City of Wichita, Kansas, amending Sections 3 and 5 of Ordinance No. 44-481 of the City, in order to restate estimated cost of improvements and the manner of payment of said improvements, therein authorize, introduced and under the rules laid over..

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 68

POLICE/FIRE RET. POLICE AND FIRE RETIREMENT SYSTEM ORDINANCE CORRECTING SECTION 24 NON-SERVICE CONNECTED DEATH.

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 02-2087

The City Council approved a revised Charter Ordinance 180 on December 21, 1999, which enacted pension benefit enhancements related to the Police and Fire Retirement System. One of the enhancements granted increased benefit eligibility for the surviving spouses of Members who retire after January 1, 2000 and die of non-service connected causes. Prior to January 1, 2000, eligibility for a surviving spouse of a Retiree to receive a benefit under these circumstances, required the spouse to be married to the Retiree on the date the Member retired. Charter Ordinance 180 granted surviving spouses of Members retiring after January 1, 2000 an annuity as long as they had been the Retiree's lawfully wedded spouse for twelve (12) months immediately preceding the Retiree's death. The benefit enhancement was to apply only to those Members retiring after January 1, 2000. Surviving spouse benefits for Members retired prior to January 1, 2000, were to remain unchanged.

In the revision process, however, the original language was inadvertently changed which modified the intent of the provision for Members retiring prior to January 1, 2000. The language erroneously granted a benefit to the surviving spouses of these Members, regardless of length of marriage or date of retirement, as long as they were married to the Retiree at the time of the Retiree's death. This mistake was not corrected in subsequent Charter Ordinances 193 and 194.

Pension management discovered the error in the ordinance. Staff performed due diligence to research and gather the necessary documentation, including prior board minutes from the Police and Fire Board meetings, to substantiate the intent of the benefit enhancements and to confirm that the revised language in the ordinance, changing the marriage requirement for retirees retiring prior to January 1, 2000, was contrary to the intent of the Board. Staff worked with the Law Department to draft the revisions to Section 24 of the current ordinance regarding Non-Service Connected Death. On November 20, 2002, the Board of Trustees of the Police and Fire Retirement System unanimously voted to recommend the proposed changes for adoption by the City Council.

This correction returns the ordinance back to its original intent, and therefore, there is no financial impact.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

CHARTER ORDINANCE

A Charter Ordinance of the City of Wichita, Kansas amending Charter Ordinance No. 194 relating to the Police and Fire Retirement System of the City of Wichita and repealing the original of said Charter Ordinance, introduced and under the rules laid over.

HELIPORTS

AMENDMENT OF ORDINANCE REGULATING INSURANCE REQUIREMENTS FOR HELIPORTS.

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 02-2088

Section 9.24.100 of the City Code imposes certain insurance requirements for persons who want to obtain a license to operate or maintain a heliport in the City of Wichita.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 69

The insurance requirements in Section 9.24.100 are written to provide for “per person” limitations. This provision creates a problem because current aviation insurance policies written to cover operations like a heliport do not contain this kind of specific “per person” limitation. The overall policy limits for the standard aviation insurance policy are the same as the limits set out in the existing ordinance. In order to permit operators to obtain a license for the operation of a heliport, it is necessary to amend the insurance requirements to delete the requirement of a “per person” limit. The insurance required under the amended ordinance is sufficient to protect the interests of the City and the general public.

This amendment has no fiscal impact on the City.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Section of the Code of the City of Wichita, Kansas, pertaining to the insurance required for the operation and maintenance of a Heliport within the City Limits of the City of Wichita; and repealing the original thereof, introduced and under the rules laid over.

SOCCKER FIELD

ADULT SOCCER FIELD DESIGNATION.

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 02-1857 Supplemental.

The need for finding soccer facilities for adult play resulted from the action of the City Council (responding to neighborhood concerns) originated with the removal of soccer play from Shell Park. Because of the adult soccer league schedules and preferences, the existing soccer fields at South Lake Park and the newly constructed eastside fields were rejected. The desire of the Latino Soccer League was to have facilities located within or near the area where most of the players live. As an interim accommodation, the Soccer League was allowed the use of land in the City’s Bridgeport Industrial land. Over this time, a conscious effort was made by City Staff to find land with adequate space to accommodate the League’s requirements; however, because of a variety of reasons, including adequate acreage, neighborhood opposition, or whatever, this land search was unsuccessful.

In 2001, the City purchased land (at a cost of \$195,379) in the Bridgeport area to accommodate two regulation soccer fields. To prepare and develop the site, the City has expended approximately \$138,000 for drainage work, irrigation system and topsoil/sod. When the site was acquired, the adjacent uses did not exist (i.e. concrete batch plant, materials storage, etc). In June, of this year, a request was received for a permit to utilize this adjacent land to crush rock (materials to feed the concrete plant). The Planning Commission voted to approve of this use, as did the District Advisory Board. The City Council approved the permit subject to conditions. One of the conditions placed on the permit was that the rock crushing operation would be limited to “20-days beginning in the late spring and early summer of 2003, between the hours of 7am. – 5 p.m., Monday – Friday.” No operation would be permitted during the weekends or holidays.

The objections of the Latino Soccer League representatives to the permit were based on the belief that the proposed conditional uses (concrete batch plant and rock crusher) on the adjacent land may present an undesirable condition and may expose its players to health and safety hazards. However, based on the recommended conditions and the fact that the rock crusher operation will only operate twenty (20) days during the year in 2003, the opposition still exists. In support of its Conditional Use Permit, the applicant (Wittwer Group) was prepared to take steps to reduce the impact of its operation and agree to the conditions recommended by the Planning Staff (listed in the Agenda Report 02-1847, September 17, 2002). If the conditions are not met, the Conditional Use could be declared null and void or be revoked after notice.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 70

During the time while site possibilities were being explored, the City has allowed the Latino Adult Soccer League to schedule its games on existing full-equipped City soccer field.

The City Council has the following options:

1) Utilize the site acquired and developed for soccer fields. The City purchased the property for \$195,000 specifically for soccer field use, and has already expended an additional \$138,000 for drainage, irrigation systems and topsoil/sod placement to ready the field for play - a total investment to date of \$333,000. No funding has yet been budgeted for off street parking and/or permanent-type restrooms. To abandon this significant investment in favor of a request for a Conditional Use Permit for temporary usage is an important policy issue.

2) Relocate the fields to another site. This option will completely alleviate the concerns with the health and safety issue raised about the current site with its existing operations. Another site would present an opportunity to provide off street parking. A major consideration of this option, however, that relocating to the site currently being used in Bridgeport to a fully serviced facility would require a major capital expense estimated to be approximately \$765,225 (\$183,000 for field development; \$227,000 for off street parking; and \$90,000 for restrooms facilities, and \$87,000 for bleacher seating and fencing). It is possible that through the bidding process, or a reduction in improvements that this cost could be less.

The site, currently in use by the League, is the last remaining industrial site (of any size) that is Publicly owned and available for economic development. It was acquired for industrial-use development and has remaining special assessments on the land for utilities that have been provided.

3) Utilize the new soccer field with the adjacent rock crusher operation meeting all conditions. If, under this option, the concerns expressed by the Soccer League were validated by actual experience, the City would have the option to move the fields to another location. Since the League plays on weekends and the rock crushing is not in operation, the concerns expressed may not be realized. Further, with the conditions agreed to by Wittwer as part of the Conditional Use Permit conditions (i.e. berming, landscaping, etc.), it is entirely possible that no problems will be experienced.

The new field/site will be ready for play by soccer season in 2003. If a new site is designated, then it is doubtful if all of the site preparation and development can be completed in time for the soccer season next year.

The new site is virtually completed except for parking, bleachers, etc. To relocate to the Bridgeport site and provide for full development, will require an additional expense of approximately \$765,000 (or less). Funds would have to be allocated, designated and a budget adjustment would be required to this project.

The City Council has the authority to lease, sell the property or to enter into conditions of each such action.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Council Member Fearey

Council Member Fearey said, "I think that everyone on the council is aware of the issues that have surrounded the permanent location of the new adult soccer fields for the north central part of Wichita. While I realize that everyone was in agreement regarding the proposed site located on the west side of Ohio north of 29th, there are factors that do not make this as appropriate a site as we should have for this type of facility.

"The main factors are the dust generated by the cement plant that now operates to the south of the proposed site and the lack of room for the amount of off-street parking that is required by city codes.

"While the temporary site, to the east of Ohio is the last remaining industrial site of any size that is publicly owned and available for economic development, it has not ever attracted any use and there is no indication that it will in the near future.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 71

"The city purchased the proposed soccer field site property for \$195,000 for soccer field use. However, this land could be offered for industrial development thus giving potential users an option not currently available.

"For the past several months, I have worked with representatives of the Hispanic adult soccer league regarding the site for new fields. Although these fields would be open to any adult soccer play within the city, it was this group's need for additional, close-in playing space that instigated the development of new fields.

"day, I am going to propose that the adult soccer fields be located on the site on the east side of Ohio on which they are currently located. Before I put that in a motion, however, I would like to state some of the conditions to which the Hispanic Soccer League has agreed.

- "1. The Hispanic Soccer League knows that there will be delay of approximately one (1) year before the new site will be ready for play.
- "2. During development of this site, the Hispanic Soccer League agrees to play at alternate, previously developed fields. The league understands that these interim fields may not be located in City Council District VI.
- "3. The soccer fields and parking would use approximately 8 acres of the site east of Ohio. This would accommodate off-street parking that is a requirement of city code. This parking could, in turn, be shared with any future development that might want to locate near the fields so that some parking requirements for future development could possibly be waived. This would save more of the site for businesses.
- "4. If council agrees to the development of the site east of Ohio as the permanent site, the Hispanic Soccer League will adopt the park under the Adopt -A-Park agreement for keeping the site clean and trash free for as long as they use the fields. They will also attempt to get in-kind contributions for the irrigation system, bleachers, fencing, parking lot improvements and any other amenities needed for the site. The league has been informed that the players will be charged for play on the developed fields.
- "5. Funding to cover the already expended amount of \$138,000 on the site west of Ohio could be taken from the District VI CIP. The money is budgeted in the CIP and is available from the one-way to two-way Main Street conversion that was recently deferred indefinitely by council. By spending the \$138,000 on this project, adult soccer players can play in a clean safe environment, will have adequate off-street parking available, will work with the city and will adopt the park, which could save city dollars over the long-term, and use available money without having to take it from a project that is still listed on the city's current CIP.

"The land around the parcel east of Ohio could be rezoned, since the city owns it, to a less intensive zoning. GC General Commercial or LI Limited Industrial with a PO Protective Overlay would allow development similar but less intense to the current zoning so that there would be no future threat of another obviously incompatible usage nearby (e.g. another cement plant)."

Motion --

-- carried

Fearey moved that, including the aforementioned conditions as part of the motion, the site east of Ohio on which the adult soccer fields are currently located be designated as the permanent site for adult fields with funding to come from an adjustment to the 2003-2004 capital budget. Motion carried 7 to 0.

AMBULANCES

Chris Cherches

REQUEST FOR A WAIVER TO CITY CODE: AMBULANCES.

City Manager reviewed the Item.

Agenda Report No. 02-2089.

In July, 2002, the City terminated the interlocal agreement with Sedgwick County in order to address issues and concerns relative to the emergency medical services provided to Wichita residents. Based on

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 72

a study of community emergency medical services and the recommendations therein, the City's intent was to renegotiate the interlocal agreement to address the recommendations and improvements desired to enhance emergency medical services to Wichita residents. The interlocal agreement has existed in some form since 1974, and expires on December 31, 2002. That agreement triggers a City Code provision pertaining to the licensing and permitting requirements of the City exempting Sedgwick County from those obligations and from a public hearing and Council determination on public convenience and necessity for the service proposed.

In order for Sedgwick County to legally provide emergency medical services within the City it will require the County to comply with all provisions of the City of Wichita Code Chapter 3.80. Since the County has not yet agreed to renegotiate the interlocal agreement providing for emergency medical services, as requested by the City Council, the County either has to comply with all requirements or obtain a waiver from the provisions of the City's ordinance. Since the hearing, licensing and inspection requirements are time-consuming, the County has requested either a day-to-day exemption or a waiver or exemption for a period of no later than July 1, 2003. The intent of this exemption period would be to allow the City and County to address the City's concerns and renegotiate a new interlocal agreement. If not extended, the County has indicated its willingness to comply with applicable ordinances regulating ambulance services. This negotiation process will allow the City to conduct a more thorough public hearing at the end of this transition period, if necessary.

The City's ambulance ordinance (Chapter 3.80 City Code) was adopted many years ago and is in need of a complete review and re-drafting. The current ordinance does not address the necessary structures and processes for proper ambulance service regulation as it pertains to linking of ambulance services with other emergency medical service components, such as fire first responders and emergency communications information/data. A new ordinance will be drafted to adopt best practice models and industry standards, with performance measures. City Staff will prepare a revised ordinance for consideration in early 2003.

Staff supports the extension request of Sedgwick County on the basis of its willingness to renegotiate a new interlocal agreement controlling emergency medical services within the City of Wichita.

The City Council has the option to grant an extension of the provisions to the County or reject such exemption. The extension is most easily granted by an addition to the ordinance, as any new contract would require AG approval under the Interlocal Cooperation Act. The Law department has drafted the appropriate addition to the ordinance allowing for the requested transition period.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Martz moved that the City Council extend the County exemption to the provisions of the City Code dealing with a Certificate of Public Convenience and Necessity and licensing/inspections for a period of not to exceed six months; and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance creating section 3.80.147 of the code of the City of Wichita, Kansas, pertaining to extending, for a time certain, various regulatory exemptions relating to ambulance service within the City of Wichita, introduced and under the rules laid over.

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS.

There were no appointments made.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 73

CONSENT AGENDA

Knight moved that the Consent Agenda, including Addendum Item #13A, be approved as consensus Items. Motion carried 7 to 0.

(Addendum 13A)

DEMAND TRANSFERS A RESOLUTION SUPPORTING CHALLENGE OF ELIMINATION OF DEMAND TRANSFERS.

Mayor Knight Mayor Knight explained the Kansas League lawsuit position.

Motion – carried Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-519

A Resolution of the governing body of the City of Wichita supporting litigation by the League of Kansas Municipalities to challenge the elimination of Demand Transfers, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED DECEMBER 9, 2002.

Bids were opened November 29, and December 6, 2002, pursuant to advertisements published on:

Grading, surfacing, concrete pavement, bridges, signing, lighting, signalization, pavement markings, landscaping and irrigation, for Kellogg Avenue (US-54) / Woodlawn Interchange. (472-83629/702318 /401272) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Sherwood Construction - \$53,124,225.56 (Corrected)
\$ 28,172,70 (Add Alternate 4)
\$53,152,398.26 (Aggregate bid total with Alternate)

Main 21, Southwest Interceptor Sewer to serve Gray's 5th Addition - north of 47th Street South, east of Hoover. (468-83429/743950/480638) Traffic to be maintained through construction. (District V)

K C Excavating - \$55,014.00

Lateral 1, Main 21, Southwest Interceptor Sewer to serve Gray's 5th Addition - north of 47th Street South, east of Hoover. (468-83430/743951/480639) Does not affect existing traffic. (District V)

Mies Construction - \$117,117.17

Water Distribution System to serve Gray's 5th Addition - north of 47th Street South, east of Hoover. (448-89682/735084/470754) Does not affect existing traffic. (District V)

Jayhawk Contractors - \$37,868.00

Water distribution system (Phase I) to serve Gray's 5th Addition - north of 47th Street South, east of Hoover. (448-89680/735085/470755) Does not affect existing traffic. (District V)

WBW Contractors - \$36,183.50

2003 utility cut repair of streets, driveways and sidewalks - north of 55th Street South, east of 135th Street West. (472-83665/132035/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,V&VI)

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 74

Pavers Inc. - \$1,699,800.00 (Engineer's estimate)

21st and Arkansas, Phase 2 - landscaping - 21st & Arkansas. (472-83184 /706799/200249) Does not affect existing traffic. (District VI)

Complete Landscaping - \$3,904.52

2002 sanitary sewer reconstruction Phase 10 (Various Locations) - south of 13th Street North, between Hydraulic and Meridian. (468-83547/620360/662483) Traffic to be maintained during construction using flagpersons and barricades. (Districts IV,VI)

Dondlinger & Sons - \$166,883.00

2002 sanitary sewer rehabilitation Phase H (Various Locations) - north of Kellogg from west of Greenwich to east of Maize Road. (468-83552/ 620362 /662484) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, V)

Insituform Technologies - \$118,447.50

2003 wheelchair ramp and sidewalk phase 1 - north of MacArthur, east of Oliver. (472-83660/706847/203313) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III)

Barkley Construction - \$180,000.00 (Engineer's estimate)

Toben/31st Street North from the west line of Lot 5, Block 4 to the east line of said Lot 5 to serve Mediterranean Plaza - south of 37th Street North, west of Webb. (472-83531/765740/490851) Does not affect existing traffic. (District II)

Cornejo & Sons Inc. - \$150,695.20

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Rubber Tired Utility Vehicle. (184754)

Wichita Tractor Co. - \$15,460.00 (Group 1/Total net bid)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Front Deck Mower. (184754)

Maximum Tractor - \$18,279.78 (Group 1/alternate bid #2)

AIRPORT DEPARTMENT/AIRPORT OPERATIONS DIVISION: Concrete Saw. (190017)

Rental Service - \$11,684.00 (Group #1/total net base bid)
\$ 224.00 (Option #1/total net bid)
Included in base bid (Option #2 total net bid)
Included in base bid (Option #3 total net bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Paint Interior Wichita Art Museum. (792329)

Aaron & Page Inc. - \$15,875.00 (Group #1/total net base bid)
\$ 950.00 (Option #1/total net bid)
\$ 3,500.00 (Option #2/total net bid)

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 75

\$ 1,100.00 (Option 3/total net bid)
\$ 700.00 (Option 4/total net bid)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Ductile Iron Pipe, 48" x 19'. (181222)

US Pipe & Foundry - \$11,283.72 (Total net bid)

FINANCE DEPARTMENT-IT/IS DIVISION: 7 ADA PC Workstations. (122811)

Ergogenic Technology Systems Ltd. - \$13,696.20 (Total net bid)

PARK DEPARTMENT/RECREATION DIVISION: Furnish and Install Basketball Goals and Wall Pads. (792310)

Athco – \$61,325.00* (Total net bid)
*Purchase of an additional 12 goals at same cost for total net bid
of \$61,325.00

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: Drainage Improvements - Walnut and 59th Street. *660482)

W.B. Carter Construction Co., Inc. - \$31,000.00 (Group 1/total net bid)

PUBLIC WORKS DEPARTMENT/LANDFILL DIVISION: Well Rehabilitation Brooks Landfill. (131384)

Layne Western Company - \$18,520.00 (Group 1/total net bid)

PUBLIC WORKS DEPARTMENT/STREET MAINTENANC DIVISION: Skidloader Attachments. (132225)

White Star Machinery & Supply - \$ 7,100.00 (Group 1/total net bid)
\$10,026.51 (Group 2/total net bid)
Foley Equipment Co., Inc. - \$3,554.00 (Group 3/total net bid)

PARK DEPARTMENT/PARK & RECREATION DIVISION: Swimming Pool Waterslide Renovations. (785023)

Caro Construction Co. Inc. - \$5,200.00 (Group 1/total net bid)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Forklift 4,000 Lb. Capacity. (183327)

Berry Material Handling - \$26,212.00 (Total net bid)

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Directional Boring Unit with Trailer. (183327)

DitchWitch of Kansas - \$45,650.00 (Total net bid)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Cab & Chassis with Various Bodies and Step Van. (133116)

Don Hattan Chevrolet - \$30,800.00 (Group 1/total net base bid)
Rusty Eck Ford - \$111,424.00 (Group 2/total net base bid)
\$ 582.00 (Group 2/option #1/per vehicle)
\$ 595.00 (Group 2/option #2/per vehicle)
\$ 623.00 (Group 2/option #3/per vehicle)

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 76

Included w/#1 (Group 2/option #4/per vehicle)
\$ 416.00 (Group 2/option #5/per vehicle)
\$ 22,605.00 (Group 2/option #7/per vehicle)
\$ 60,980.00 (Group 3/total net base bid)
\$ 450.00 (Group 3/option #2/per vehicle)
\$127,464.00 (Group 4/total net base bid)
\$ 115.00 (Group 4/option #1/per vehicle)
\$ 296.00 (Group 4/option #4/per vehicle)
Roberts Truck Center - \$48,043.00 (Group 5/total net base bid)
Don Hattan Chevrolet - \$56,670.00 (Group 6/total net base bid)
(Group 7/Deleted)

Roberts Truck Center - \$92,578.00 (Group 8/total net base bid)
<Deduct \$5,500.00> (Group 8/option #1/lump sum)

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: High-Pressure Sewer
Cleaners. (133116)

Baker Equipment Company - \$209,903.00 (Group 1/total net bid)
\$ 1,500.00 (Option 1)
<Deduct \$35,000.00> (Option 2)

Utility Maintenance Contractors - \$348,732.00 (Group 2/total net bid)
\$ 940.00 (Option 2)
\$ 11,909.00 (Option 3)
<Deduct \$52,500.00> (Option 5)

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Rubber Tired Tractor 50
Horsepower. (130807)

Western Implement Co Inc. - \$93,989.00 (Group 1/total net base bid)
\$ 503.00 (Group 1/option #1/per tractor)
\$ 553.80 (Group 1/option #3/per tractor)
<Deduct \$39,000.00> (Group 1/option #4/lump sum)

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Loaders/Backhoes, Skid
Steer Loaders and Crawler Dozer. (130807)

Wichita Tractor Co. - \$86,302.00 (Group 1/total net base bid)
\$ 535.00 (Group 1/option #1 per loader/back)
\$ 3,670.00 (Group 1/option #2 per loader/back)
\$39,850.00 (Group 2/total net base bid)
\$ 300.00 (Group 2/option #1/per loader)
\$ 2,000.00 (Group 2/option #2/per loader)
Foley Equipment Co. - \$ 26,630.00 (Group 3/total net base bid)
\$ 1,210.00 (Group 3/option #1/per loader)
\$ 100.00 (Group 3/option #2/per loader)
\$ 2,120.00 (Group 3/option #3 total net bid)
\$ 2,795.00 (Group 3/option #3 per loader)
\$ 700.00 (Group 3/option #5/per loader)
\$ 1,690.00 (Group 3/option #6/per loader)
\$ 3,620.00 (Group 3/option #7/per loader)
\$291,468.00 (Group 4/total net base bid)
\$ 2,060.00 (Group 4/option #1/total net bid)
<Deduct \$ 20,015.00> (Group 4/option #2 total net bid)
\$ 4,833.00 (Group 4/option #3 total net bid)

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 77

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Trailers. (130807)

Berry Tractor & Equipment - \$40,754.00* (Group 1/total net base bid)
<Deduct \$10,500.00>* (Group 1/option #1 total net bid)

*Alternate bid

G.W. Van Keppel Co. - \$14,179.00 (Group 2/total net base bid)
\$ 300.00 (Group 2/option #1 total net bid)
<Deduct \$ 2,500.00> (Group 2/option #2 total net bid)
Lefler Trailer dba Ark City Trailers - \$27,200.00 (Group 3/total net base bid)
Trailer Town - \$3,489.00 (Group 4/total net base bid)
\$ 180.00 (Group 4/option #1 total net bid)
Lefler Trailer dba Ark City Trailers - \$2,920.00 (Group 5/total net base bid)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Centrifugal Pump.
(184119)

JCI Industries Inc. - \$11,605.00 (Group 1/total net bid)

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Relocate Propane Fueling
Station. (130807)

Eagle Environmental Service, Inc. - \$26,010.00 (Group 1/total net bid)

PUBLIC WORKS DEPARTMENT/FLEET MAINTENANCE DIVISION: Bridge Crane Systems.
(130807)

Hall Industrial Services, Inc. - \$24,250.00 (Group 1/total base bid)
No charge (Group 1/option #1 total net bid)
\$36,537.00 (Group 2/total net bid)
\$ 3,480.00 (Group 2/option #1 total net bid)
No charge (Group 2/option #2 total Net bid)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Painting of Various Park
Buildings. (602469)

Laser Contracting, Inc. - \$18,800.00 (Group 1/total net bid)

PUBLIC WORKS DEPARTMENT/BUILDING DIVISION: Demolition and Off Site Removal of
Williamsburg Inn. (702203)

H.D. Mills & Sons dba Southwest Salvage - \$62,000.00 (Total net bid)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Portable Particle
Counter. (183582)

US Filter Stranco Products – \$11,080.00 (Group 1/total net bid/plus applicable sales tax)

POLICE DEPARTMENT/BOMB UNIT DIVISION: Bomb Suits and Accessories. (602140)

Med-Eng Systems Inc. - \$31,653.00 (Group 1/total net bid)

PUBLIC WORKS DEPARTMENT/BUILDINGS DIVISION: HVAC Replacement for Various
Buildings (130823)

Comfort Systems - \$5,495.00 (Group 1/total net base bid)
\$3,126.00 (Group 2/total net base bid)
Bids Rejected (Group 3)

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 78

Trimech Inc. - \$2,256.40 (Group 4/total net base bid)
\$8,202.44 (Group 5/total net base bid)
\$6,050.00 (Group 5/option #1 total net bid)
\$1,706.00 (Group 5/option #2 total net bid)
\$1,706.00 (Group 5/optin 3/total net bid)

WICHITA AIRPORT DEPARTMENT: AIRPORT OPERATIONS DIVISION: Caulk Exterior FAA Building. (190066)

Midland Restoration Company, Inc. - \$12,000.00 (Total net bid)

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Portable Wastewater Samplers. (184606)

Fluid Equipment Co. Inc. - \$12,063.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/FLOOD CONTROL DIVISION: Aries TV Inspection Equipment. (133116)

Utility Maintenance Contractors, LLC - \$41,200.72 (Total net bid)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Laser Alignment Tool, (183632)

Ludeca, Inc. - \$11,947.55*
*U.S. General Services Administration Federal Supply Schedule Contract No. GS-24F-0030K.
Purchases utilizing Government Entities Contracts Cooperative Contracts and Agreements,
Ordinance No. 38-122, Section 2.64.020 (j).

POLICE DEPARTMENT/VARIOUS DIVISIONS: 800 MHz Motorola Radio Equipment. (602140)

Motorola, Inc. - \$27,650.54*

*State of Kansas Contract #28440. Purchases utilizing Government Entities Contracts Cooperative Contracts and Agreements, Ordinance No. 38-122, Section 2.64.020 (j).

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Automobiles, Cargo and Mini Vans, and Pickup Trucks. (130807)

Don Hattan Chevrolet, Inc. - \$18,441.00 (Group 3/item 8/group 3/per each)*
Standard (Group 3/item 9/option 1)*
Standard (Group 3/item 10/option 2)*
\$ 135.00 (Group 3/item 11/option 3)*
\$ 21.00 (Group 3/item 13/option 4)*
Standard (Group 3/item 13/option 5)*
Standard (Group 3/item 14/option 6)*

*Redirect award/Group 3

POLICE/AIRPORT-N/A DIVISIONS: Police Officer Uniforms. (083600)

Baysinger – Extend first annual option year with a 2.2% escalation clause
December 10, 2002 through November 30, 2003.

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 79

LICENSES

APPLICATION FOR LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

New Adult Entertainment

Leilani M. Webb	Frolix	4730 South Broadway
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Renewal Adult Entertainment

Norman Massey Jr.	Circle Cinema	2570 South Seneca
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Motion --
-- carried

Knight moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2002</u>	<u>(Consumption on Premises)</u>
Cheryl L. Gehlen	Annex Lounge	6305 East Harry
Rick L. Schroer	Playtime Inc. dba Rose Bowl East*	7001 East Kellogg
Stan Shaver	Tex Consolver Golf Course*	1931 South Tyler Road
B.J. Berning	Pizza Villa Restaurant*	2342 South Maize
<u>(Consumption off Premises)</u>		
An Tran	Tran Fast-Trips Co.	6001 South Seneca
John J. Leeker	Checkers	1915 E. Pawnee
Van T. Ho	Lee's Convenience Store	2828 East 21st North
Jim Steindler	Gotta Stop	5600 West MacArthur Rd
<u>New Operator</u>		<u>(Consumption on Premises)</u>
Ray Drew	Drews Blues Shack	1021 West Harry
<u>New Establishment</u>		<u>(Consumption on Premises)</u>
Li wan Guan	Peking Garden*	535 North Woodlawn #330

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion --
-- carried

Knight moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

PLANS AND SPECS.

SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Sub-Division Plans and Specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

a) CDBG lighting improvements at Minisa Park, Woodland Park, Evergreen Park, McAdams Park, Lynette Woodard Park, and Planeview Park - Oliver to Seneca, 31st Street South to 29th Street North. (472-83652 /602454/6 02456/ 602458/ 602461/ 602463/ 602465/ 602437/ 010163/ 010165 010167/010171/010173 /010175/010151) Traffic to be maintained during construction using flagpersons and barricades. (Districts III&VI) - \$296,399.00

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 80

- b) Water distribution system to serve Carpenters Local Union No. 201 Addition - along Carey Lane, west of Seneca. (448-89710/735077/470747) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$78,000.00
- c) Water supply line to serve Skyway Industrial Park, Dugan Industrial Second and Third Additions - along Maize Road, from Pawnee to K-42. (448-89292/735058/470728) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$487,947.15
- d) Water supply line to serve Mid-Continent Industrial Park - along Maize Road, from Pawnee to K-42. (448-89673/735059/470729) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$262,200.00
- e) 2002 sanitary sewer reconstruction Phase 9, various locations - north of Kellogg, east of West Street. (468-83540/620357/662480) Traffic to be maintained during construction using flagpersons and barricades. (District IV, VI) - \$243,000.00
- f) Main 13, Sanitary Sewer #23, Phase 2 and Lateral 2, Main 13, Sanitary Sewer #23 - north of 45th North, east of Hydraulic. (468-83262/468-83459/624072/743942/651539/480630) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$1,203,000.00
- g) Lateral 3, Main 11, Sanitary Sewer #23 to serve Sawmill Creek Addition - north of 45th Street North, east of Rock. (468-83486/743948/480636) Does not affect existing traffic. (District II) - \$173,000.00
- h) Water distribution system to serve Sawmill Creek Addition - north of 45th Street North, east of Rock. (448-89712/735083/470753) Does not affect existing traffic. (District II) - \$105,000.00
- i) Cost of Lateral 329, Four Mile Creek Sewer to serve Samra Second Addition - north of Central, west of Greenwich. (743911/468-83395/480-599). (District II) \$85,470.00

Motion -- carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

- a) Utility Easement dated September 26, 2002 from JDG, LLC for a tract of land located in Lot 12, Block 2, Equestrian Estates Addition to Wichita, Sedgwick County, Kansas (Private Project, OCA # 607861). No Cost to City.
- b) Utility Easement dated October 2, 2002 from JDG, LLC for a tract of land located in Reserve A, Equestrian Estates Addition to Wichita, Sedgwick County, Kansas (Private Project, OCA # 607861). No Cost to City.
- c) Dedication dated December 10, 2001 from James F. Jahansooz for a tract of land located in the northwest quarter of the Northeast Quarter of Section 27, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (OCA #132001). No cost to City.
- d) Dedication dated December 8, 2001 from Max E. King and Stella I. King for a tract of land located in the north half of the Northeast Quarter of Section 27, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (OCA #132001). No cost to City.
- e) Sanitary Sewer Easement dated November 27, 2002 from the C & J, LLC for a tract of land located in Lot 1, Ray Allen Addition, Wichita, Sedgwick County, Kansas (Lat 269, M5, SS #22, OCA #743939). No cost to City.
- f) Sanitary Sewer Easement from the City of Wichita, Kansas, a Municipal Corporation for tracts of land located in Lots 6 and 7, Block C, Mt. Vernon Heights Addition, Sedgwick County, Kansas (2025 S. Bluff, OCA #620359). No cost to City.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 81

g) Utility Easement from the City of Wichita, Kansas, a Municipal Corporation for a tract of land located in the Northeast Quarter of Section 5, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas (Gilbert & Mosley, OCA #148561). No cost to City.

Motion -- Knight moved that the documents be received and filed; and the necessary signatures be authorized
-- carried Motion carried 7 to 0.

STATEMENTS OF COST STATEMENTS OF COST:

a) Improving 37th Street North from the east line of Ridge Road, east to the easterly most drive serving Lot 1 to serve Ridge Port North Addition (south of 37th Street North, east of Ridge). Total Cost - \$114,839.78 (plus idle fund interest - \$1,831.47, plus temporary note interest - \$768.75). Financing to be issued at this time - \$117,440.00. (765689/472-83114/490-800).

b) Improving Highland Springs, Remington Lane, Bluegrass, Highland Springs Courts, Remington Lane Court & Bluegrass Court (west of 135th St. West, south of Central). Total Cost - \$286,689.44 (less idle fund interest - \$4,102.88, plus temporary note interest - \$3,091.68). Financing to be issued at this time - \$293,884.00. (765709/472-83143/490-820).

c) Improving Edwards from the south line of 26th Street North to the north line of 25th Street North to serve Northwest Heights Addition (south of 29th Street North, west of Amidon). Total Cost - \$113,246.42 (plus idle fund interest - \$2,737.25, plus temporary note interest - \$5,639.33). Financing to be issued at this time - \$121,623.00. (765615/472-83180/490-726).

d) Improving Churchill Circle from the south line of Lot 24, Block 2, to the west line of Lot 34, Block 2; and Churchill Court serving Lots 27-31, Block 2, from the north line of Churchill Circle to and including the cul-de-sac to serve Wilson Farms 2nd Addition (south of 21st St. N., west of Webb). Total Cost - \$96,263.32 (plus idle fund interest - \$1,628.28, plus temporary note interest - \$1,241.40). Financing to be issued at this time - \$99,133.00. (765704/472-83245/490-815).

e) Improving Covington from the North line of Lot 1, Blk2, Aberdeen 3rd Addition to the North Line of 21st St. North & Covington Court adjacent to Lots 2-44 the Lochs at Aberdeen and adjacent to Lots 1-5, Blk 2 in Aberdeen 3rd Addition (east of 119th St. West, north of 21st Street North). Total Cost - \$418,061.13 (less idle fund interest - \$7,308.70, plus temporary note interest - \$7,567.17). Financing to be issued at this time - \$432,937.00. (765681/472-83359/490-792).

f) Improving Richmond Circle from the south line of 44th Street South to & including the cul-de-sac in Legacy 2nd Addition; & temporary cul-de-sac on 44th Street South at the west line of Legacy 2nd Addition to serve Legacy 2nd Addition (west of Meridian, north of 44th Street South). Total Cost - \$78,299.38 (plus idle fund interest - \$1,272.28, plus temporary note interest - \$1,073.34). Financing to be issued at this time - \$80,645.00. (765703/472-83422/490-814).

g) Improving St. Paul/43rd Street South; St. Paul Circle, 43rd St. Ct. S. and sidewalk serving The Legacy Addition (west of Meridian, at 44th Street South). Total Cost - \$166,944.78 (plus idle fund interest - \$1,598.68, plus temporary note interest - \$1,545.54). Financing to be issued at this time - \$170,089.00. (765707/472-83440/490-818).

h) Improving Sandplum Circle from the South line of 34th St N , south and east to and including the cul-de-sac; and on Sandplum Court from the East line of Sandplum Circle east to and including the cul-de-sac to serve Ridge Port North 3rd Addition (south of 37th St N, east of Ridge). Total Cost - \$95,187.27 (plus idle fund interest - \$583.73, plus temporary note interest - \$690.00). Financing to be issued at this time - \$96,461.00. (765734/472-83410/490-845).

i) Improving Funston from Smithmoor to the West line of Lot 37, Block 2; Pierce Circle, north of Funston including the cul-de-sac; Leanne Lane, north of Funston including the cul-de-sac; and sidewalk to serve Smithmoor 10th Addition (north of Pawnee, west of Greenwich). Total Cost - \$253,456.30 (plus idle fund interest - \$3,038.90, plus temporary note interest - \$2,017.80). Financing to be issued at this time - \$258,513.00. (765724/472-83498/490-835).

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 82

- j) Improving 34th Street North, from the East line of Ridge Road, east to a point 600' east of Ridge Road and sidewalk to serve Ridge Port North and Ridge Port North 2nd Additions. (south of 37th St. North, east of Ridge Road). Total Cost - \$118,043.27 (plus idle fund interest - \$1,931.65, plus temporary note interest - \$1,498.08). Financing to be issued at this time - \$121,473.00. (765700/472-83113/490-811).
- k) Improving 34th Street North, from 600' east of Ridge Road to East line of Lot 15, Block C; Hazelwood, Ridge Port; 34th Court North; Hazelwood Court and sidewalk to serve Ridge Port North 3rd and 4th Additions (south of 37th St. North, east of Ridge Road). Total Cost - \$748,593.95 (plus idle fund interest - \$11,467.68, plus temporary note interest - \$10,514.37). Financing to be issued at this time - \$770,576.00. (765657/472-83275/490-768).
- l) Improving Alley west of Santa Fe, from Elm to 250' south of Elm to serve JP Hilton's Addition (north of Central, east of Broadway). Total Cost - \$30,453.41 (plus idle fund interest - \$522.59, plus temporary note interest - \$225.00). Financing to be issued at this time - \$31,201.00. (765696/472-83421/490-807).
- m) Improving Mead, from Lincoln to Bayley on the west side of the Railroad Tracks and sidewalk to serve Perry's Addition (south of Lincoln, west of Washington). Total Cost - \$83,774.47 (plus idle fund interest - \$1,069.69, plus temporary note interest - \$1,110.84). Financing to be issued at this time - \$85,955.00. (765674/472-83317/490-785).
- n) Improving Onewood from the west line of the plat to 135th St W; Dogleg from Onewood to the south line of the plat; Onewood Courts from Onewood to and including the cul-de-sacs and sidewalk to serve Auburn Hills 13th Addition (south of Maple, west of 135th Street W) Total Cost - \$583,128.17 (plus idle fund interest - \$7,738.89, plus temporary note interest - \$6,956.94). Financing to be issued at this time - \$597,824.00. (765694/472-83417/490-805).
- o) Improving Parkridge, north to Ryan; Ryan, from 119th to Ryan Place; Ryan Place; Ryan Courts, north and south of Ryan to and including the cul-de-sacs; Parkridge Court from Parkridge, east to and including the cul-de-sac and sidewalk to serve Westridge Estates (south of 29th Street N, east of 119th Street W). Total Cost - \$556,868.52 (plus idle fund interest - \$10,350.64, plus temporary note interest - \$7,606.84). Financing to be issued at this time - \$574,826.00. (765691/472-83235/490-802).
- p) Improving Carr between Lark Lane and Stony Point Lane to serve Unplatted Tracts in the NW 1/4 of Section 31, Twp 27S, R1W (south of Kellogg, west of Maize Rd). Total Cost - \$70,601.31 (plus idle fund interest - \$738.15, plus temporary note interest - \$840.54, less private donation - \$13,112.00). Financing to be issued at this time - \$59,068.00. (765685/472-83381/490-796).
- q) Improving 19th Street North, from Vinegate to 19th Court; Churchill, from Frederick to Lot 5, Block 1; Frederick/ Red Oaks, from lot 24, Block 6 to the north line of Churchill and sidewalk to serve Remington Place (east of Webb, south of 21st Street North). Total Cost - \$454,889.76 (plus idle fund interest - \$6,292.24, plus temporary note interest - \$6,015.00). Financing to be issued at this time - \$467,197.00. (765698/472-83375/490-809).
- r) Improving Triple Crown; Stampede; Buckskin; Buckskin Courts; Triple Crown Court and sidewalk to serve Equestrian Estates (east of 127th Street East, south of Harry). Total Cost - \$929,696.62 (less idle fund interest - \$9,037.00, plus temporary note interest - \$7,576.38). Financing to be issued at this time - \$946,310.00. (765705/472-83424/490-816).
- s) Improving Pine Meadow Street, from 21' East of Pine Meadow Court to the West Line of Lot 1, Block 2, Pine Meadow 2nd Addition; Sidewalk, on the North Side of Pine Meadow from Pine Meadow Ct. to the West line of Lot 1, Blk 2 to serve Pine Meadow and Pine Meadow 2nd Addition (south of 13th Street North, east of Greenwich). Total Cost - \$180,010.00 (less idle fund interest - \$2,155.20, plus temporary note interest - \$1,477.80). Financing to be issued at this time - \$183,643.00. (765711/472-83449/490-822).

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 83

t) Improving Pine Meadow/ Bedford Street, Bedford Circle, Bedford Courts, and sidewalks to serve Pine Meadow 2nd Addition (west of Greenwich, south of 13th Street). Total Cost - \$344,523.92 (less idle fund interest - \$4,488.04, plus temporary note interest - \$2,768.04). Financing to be issued at this time - \$351,780.00. (765/472-/490-).

Motion -- carried

Knight moved that the Statements of Cost be received and filed. Motion carried 7 to 0.

518 EAST DOUGLAS

PETITION TO RENOVATE BUILDING FACADE AT 518 EAST DOUGLAS, EAST OF EMPORIA. (District VI)

Agenda Report No. 02-2090

On March 20, 2001, the City Council approved a Facade Improvement Program designed to provide low-cost loans to enhance the visual aesthetics in the downtown area and provide an incentive for businesses to improve their property. Low interest, fifteen-year loans are provided owners of buildings with frontage on Douglas Avenue, between Seneca and Washington. The owner of a building located at 518 East Douglas has submitted the required Petition. The signature on the Petition represents 100% of the improvement district. The owner has also submitted the required facade easement.

A restaurant/bar is located in the building. The proposed improvements include the installation of trash bin enclosures, repair of a masonry wall, installation of parking bollards, and rehabilitation of an exterior stairwell.

City assistance is in the form of a five-year forgivable loan up to \$15,000 per visible façade, or 25% of the project cost, whichever is lower. The remaining amount is funded by Special Assessments. The Petition totals \$42,000, with a \$10,500 forgivable loan.

State Statutes provide the City Council authority to use Special Assessment funding for the projects. The Law Department has approved the facade easements as to legal form. Approval of the Petition does not relieve the owner of requirements to obtain all necessary permits and reviews by applicable City Boards.

Motion --
-- carried

Knight moved that the Petition be approved; the Resolution be adopted; and the facade easement be accepted. Motion carried 7 to 0.

RESOLUTION NO. 02-525

Resolution of findings of advisability and Resolution authorizing construction of façade improvements at 518 E. Douglas (north of Douglas, east of Emporia) 472-83666, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures submitted.

LIBRARY PHONE

LIBRARY TELEPHONE SERVICE.

Agenda Report No. 02-2091

The Wichita Public Library has been approached by Adelphia Business Solutions to move its local telephone trunk lines. The library is in a contract with SBC Southwestern Bell for service which will expire in January, 2004.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 84

Bids were solicited from the two facilities-based local telephone service providers: Adelphia Business Solutions and SBC Southwestern Bell. Adelphia Business Solutions' proposal is for \$12,930.96 annually while SBC Southwestern Bell's was \$13,880.16.

Adelphia's service to the City of Wichita and Wichita Airport has been exemplary.

The City will save \$2,533.00 over the three year term of the proposed contract by accepting the lower bid from Adelphia Business Solutions. By approving the contract now with the vendor change to become effective July 1, 2003, the Library will be eligible to apply for federal (e-rate) subsidies which may further reduce the net cost for this service by as much as 70%.

The proposed contract will be reviewed and approved as to legal form by the Department of Law.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

HARDSHIP DEFERRAL RELEASE OF HARDSHIP DEFERRAL LIEN.

Agenda Report No. 02-2092

During the past year, the property owner of 6034 S. Minneapolis applied for Special Assessment Hardship Deferral to defer payments of special assessment on water project No. 448-89423. The property owner signed a Lien Agreement with the City of Wichita that was filed with the Sedgwick County Register of Deeds.

The property owner has requested that the hardship deferral be released and put back on the tax roll for the 15 years period, beginning 2003-2017.

There is no cost to the City of Wichita.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

ROCKY CREEK SUPPLEMENTAL – CONSTRUCTION ENGINEERING SERVICES FOR ROCKY CREEK AND ROCKY CREEK SECOND ADDITIONS – NORTH OF 13TH, EAST OF 127TH STREET EAST. (District II)

Agenda Report No. 02-2093

The City Council approved the project on September 18, 2001. On May 14, 2002, the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements. The Design Agreement with MKEC requires MKEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and MKEC provides for engineering, construction observation, soil testing services and as-build documentation required for placement of fill material in an area subject to FEMA requirements. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$9,000 and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 85

ENCROACHMENT

EASEMENT ENCROACHMENT – 6409 WEST 34TH STREET NORTH. (District V)

Agenda Report No. 02-2094

The Agreement allows Randy J. Dean of Randy Dean Construction, Inc., to occupy and construct for 6409 West 34th Street North, improvements on, over, and across the aforesaid public utility easement 10 feet in width described as the east 10 feet of Lot 39, Block B, Ridge Port North Addition, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is an existing roof overhang of an attached garage encroaching 1.9 feet into said public utility easement. The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

COURT BAILIFF

MUNICIPAL COURT BAILIFF AND GUARD SERVICES.

Agenda Report No. 02-2095

To maintain a secure environment, the Court utilizes the services of a contracted vendor to perform courtroom bailiff duties and to man a metal detector located on the third floor of City Hall.

The presence of a bailiff is required in the courtroom at all times during court sessions. Bailiff duties include maintaining order, taking individuals into custody, escorting prisoners to and from the courtrooms, maintaining prisoner property and handling a variety of court documents and procedures in the course of following the judges' instructions.

The Municipal Court has a walk-through metal detector and wand screening devices to provide security to the courtroom areas. Security guards perform this screening process.

A Request for Proposal (RFP) was developed seeking contractors that could provide bailiff and security guard services to the Municipal Court Department. The RFP was sent to 27 companies in the Wichita area and was published in The Wichita Eagle and on the City Web site. Five companies responded with a proposed hourly rate ranging from \$12.00 per hour to \$16.91 per hour. A selection committee reviewed and evaluated the proposals and although they were not the lowest proposal, Wolf Investigations was selected. Wolf Investigations has provided the bailiff and guard services to the Court for the past three years. Their service to the Court has been professional and they exhibit a positive image for the City organization. The company, which offered the lowest cost, was not selected by the committee due to their lack of court experience and their inability to meet the Court's needs.

The bailiff and guard services are funded from the General Fund. The proposed contractor submitted an hourly rate of \$12.40 per hour for the bailiff and guards and \$15.99 per hour for the bailiff and guard supervisor with a clause to increase the hourly rate no more than 2.5% per contract years. The 2003 proposed contract amount is \$202,520. These hourly rates are higher than the past contracted amount of \$11.99 per hour and \$15.45 per hour for the bailiff and guard supervisor, however, there are funds in the 2003 Adopted budget to cover this increase.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 86

GUARD SERVICES

WICHITA INTERVENTION PROGRAM GUARD SERVICES.

Agenda Report No. 02-2096

Kansas Law requires defendants convicted of a first Driving Under the Influence (DUI) offense to be incarcerated for forty-eight hours and attend alcohol education classes. In 1984, Municipal Court established the Wichita Intervention Program (WIP), which combined both aspects in a setting outside of jail. Participants stay in the designated facility from Friday evening until Sunday evening. A trained facilitator conducts alcohol education classes and security guards provide 24 hours supervision to maintain a "confined" environment. The City has contracted with a local hotel to provide lodging, classroom space, and meals for program participants.

A Request for Proposal (RFP) was developed seeking contractors that could provide security guard services two nights (Friday and Saturday) and one half day on Sundays for up to forty participants. The security guards provide supervision on a continuous basis as well as perform pat searches, sort through the participant's luggage, prohibit uninvited visitors and perform hourly bed checks. The RFP was sent to 27 companies in the Wichita area and was published in The Wichita Eagle and the City Web site. Three companies responded. A selection committee reviewed and evaluated the proposals and Smart Security and Investigations, Inc. was selected. Smart Security and Investigations, Inc. offered the lowest cost and met the RFP requirements.

The Wichita Intervention Program is funded from the General Fund and revenues based on participant fees offset all expenses. The proposed contractor submitted an hourly rate of \$12.75 per guard hour and \$14.40 per hour for the guard supervisor. This hourly rate is considerably higher than the past contracted amount of \$9.60 per hour, but it does reflect the lowest bid received. The 2003 Adopted Budget includes \$39,850 for the security guard services. The proposed contract will increase expenditures to \$50,900, an increase of \$11,050.

To continue fully offsetting WIP costs with participant fees, the Council approved an increase in the program fee from \$200 to \$250 (October 8, 2002). This fee is charged to those defendants who participate in the WIP upon conviction of a first DUI offense and is the first fee increase since 1995. It is estimated the fee increase will generate an estimated \$60,800, enough to offset the higher lodging and meal costs and increase in the security guard contract. The increased security guard expenditure, if approved, will be incorporated into the 2003 Revised budget.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

WATER/SEWER BONDS FINANCIAL ADVISOR – WATER/SEWER REVENUE BONDS.

Agenda Report No. 02-2097

Master plans are prepared for the Water and Sewer departments reflecting capital plans to ensure the continued availability and quality of water and sanitary sewer service for present and future customers. The 1999 Water Master Plan covered the period from 1999 through 2030. The 2000 Sanitary Sewer Master Plan covered the period from 2000 through 2050.

The plans identify short-range projects (through 2010 and 2015) and long-range projects (through 2030 and 2050). The plans also identify the required projects for the ten-year Capital Improvement Plan (CIP) as well as projected funds needed. Capital requirements (debt issuances) are the principle factor determining required future rate increases.

Due to significant capital costs to provide for a long-term future water supply and sewage treatment capacity, the utilities are facing an "intergenerational equity" issue whereby current utility customers could bear a disparate share of the costs associated with financing these major capital improvements that will also benefit future utility customers. As part of the 2003/2004 Budget it was determined that

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 87

future Water and Sewer debt offerings should be restructured to match future revenue streams from growth and development. The prospect of some debt modifications was a key component in moderating future rate increases from a projected 6-8% annually to 3% annually for 2003/2004 and beyond.

To assist Staff in preparing for the upcoming Water/Sewer bond issue, it was deemed important to secure the services of an outside financial advisor to facilitate: (1) structuring the issue to meet current and future projected revenue streams; (2) acting as the liaison between the City and the insurance provider for the bonds; (3) pre-marketing the issue to qualified broker-dealer firms that are likely to be interested in bidding on the issue, in order to ensure that the City will receive as many bids as possible; and (4) verifying that the winning bid's True Interest Cost (TIC) calculation is correct and that the sale of the bonds can be made on the basis of lowest true interest cost to the City. The RFP was sent to ten vendors. Two proposals were received. Based on lowest cost (not-to-exceed \$14,000) along with substantial experience, Springsted is recommended as the prospective financial advisor.

The Water/Sewer revenue bonds will be payable solely from the gross revenues of the City's combined water and sewer utility. The structure of the debt must be designed so that the timing of the debt service payments matches utility cash flows with coverage. The debt also must be structured equitably so that all those that will benefit from the project will help pay the cost for the project. It is anticipated that the bonds will be insured. Past revenue bond issues have been insured through Financial Guaranty Insurance Company.

The Department of Law will approve the contract as to form. The City Council must approve all contracts in excess of \$10,000.

Motion --
-- carried

Knight moved that the Agreement/Contract in an amount not to exceed \$14,000 be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

KG&E

EXTENSION OF FRANCHISE AGREEMENTS WITH KANSAS GAS AND ELECTRIC AND SEDGWICK COUNTY ELECTRIC COOPERATIVE ASSOCIATION.

Agenda Report No. 02-2098

The City has granted two franchises to utilities providing electric service within the City of Wichita. On March 30, 1982, the City Commission approved an ordinance for Kansas Gas and Electric Company (KGE). On March 7, 2000, the City Council approved an ordinance for Sedgwick County Electric Cooperative Association, Inc. On January 15, 2002, the franchises were extended until December 1, 2002, to allow time for negotiations of new franchises. City staff and the utilities held meetings to discuss the terms of new franchises and additional time is needed to finish this process.

These agreements will extend the current electric franchises, until December 1, 2003. All grants, rights, privileges, and obligations under the franchise will remain in full force and effect.

Both companies will be obligated to continue to make franchise payments under the terms of the existing franchises.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

BOND COUNSEL

BOND COUNSEL EXTENSION.

Agenda Report No. 02-2099

In 1999, City Council approved a contract for bond counsel services with the firm of Hinkle Elkouri Law Firm L.L.C., expiring in December 2002, but with an option to extend for one year (2003) by mutual agreement.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 88

The ongoing nature of certain debt financings of the City over the next several would make it prudent to extend the contract for a longer period of time for continuity of effort. Accordingly, a new contract has been prepared for a period of three years, expiring December 31, 2005. As with the previous contract, the new contract is non-exclusive, and does not prevent the City from selecting other or additional bond counsel to provide services during the contract period.

Fees for services remain the same. As under the previous contract, payments for bond counsel services will generally be made from bond proceeds, or, in conduit financings (such as industrial revenue bond issues) from funds provided by the business on whose behalf the bonds are issued.

Motion --
-- carried

Knight moved that the Agreement/Contract, with a term of up to three years, be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES – GRAY’S 5TH AND HOPE COMMUNITY BAPTIST CHURCH ADDITIONS – NORTH OF 47TH STREET SOUTH, EAST OF HOOVER. (District V)

Agenda Report No. No. 02-2100

The City Council approved the project on August 6, 2002.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in Gray’s 5th & Hope Community Baptist Church Additions. Per Administrative Regulation 7a, staff recommends the selection of Baughman as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$93,600, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

LEGACY ADDITION

CHANGE ORDER FOR STORM WATER DRAIN TO SERVE THE LEGACY ADDITION – NORTH OF 47TH STREET SOUTH, WEST OF MERIDIAN. (District IV)

Report No. 02-2101

On March 19, 2002, the City Council approved a construction project for a storm water drain in the Legacy Addition, a new residential development located north of 47th Street South, west of Meridian. One part of the work is construction of a detention pond. The heavy fall rains have eroded the pond. Additional rip-rap and clay material are needed to reshape and stabilize the pond.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$27,600. The funding source is special assessments.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion --
-- carried

Knight moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 89

WATERLINE

CHANGE ORDER - 66-INCH WATERLINE FROM 21ST STREET AT HOOVER TO 17TH AT SHERIDAN. (Districts V and VI)

Agenda Report No. No. 02-2102

On June 18, 2002, the City Council approved a contract to install a 66" waterline from 21st at Hoover to 17th at Sheridan. It is part of an ongoing effort to update the pipelines that transport untreated water to the City's water treatment plant. It is proposed that the scope of the work be expanded to include the installation of 16" and 4" pipelines in the same trench. These pipelines will be used to take sludge and backwash water from the treatment plant to a disposal facility near 29th and West Street.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$175,013. The funding source is the Water Utility.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion --
-- carried

Knight moved that the Change Order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

LAWRENCE DUMONT

LAWRENCE DUMONT STADIUM DECK COATING. (District IV)

Agenda Report No. 02-2103

On September 1, 1998, the City Council approved a contract with Western Waterproofing Co., Inc. to construct improvements and modifications to Lawrence Dumont Stadium (LDS). The repairs and modifications included new box seats in the lower grand stands and box offices, ADA elevator, concrete repairs, expansion joint replacement, floor coatings in all the restrooms and umpire shower, and a 3M Scotch-Clad Deck Coating HDV 35 System throughout the stadium (approximately 50,000 square feet).

The 3M deck coating system carried a five-year warranty covering the contractor's workmanship in product system installation or faulty coating materials. This warranty was effective from the date of substantial completion (June 1, 1999).

Problems have developed with the deck coating system peeling approximately three years from substantial completion. A warranty claim was made to Western Waterproofing Co., Inc. who then notified Mr. Patrick A. Thiel, 3M Sales and Marketing Manager. Mr. Thiel advised they would warranty the system that was applied to the stadium by Western Waterproofing Co., Inc. but were going to take bids for the warranty work. Bids were received from several of 3M's licensed installers and Paragon Constructors, Inc. was awarded the warranty work.

On October 8, 2002, City staff met with Mr. Thiel, Sales and Marketing Manager for 3M and Dave Park, CEO of Paragon Constructors, Inc. to coordinate the warranty repair. At this meeting 3M in conjunction with Paragon Constructors, Inc. offered, a special seven-year warranty if we would upgrade to the 3M Scotch-Clad TC Deck Coating System. The cost to do this would be \$93,600 less the warranty credit of \$39,000 for a total of \$54,600.

Staff believes upgrading the deck coating system at \$54,600 with a new seven-year warranty would be in the best interest of the City.

The cost to upgrade the deck coating system is \$54,600.00, which will be funded from the previously approved Capital Improvement Project (CIP) for Lawrence Dumont Stadium with a total budget of \$3,707,000. The expenditures and encumbrances to date total \$3,260,208.88. The project has an unencumbered balance of \$446,791.12.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 90

Ordinance 35856 (b), Sole Source of Supply permits the Purchasing Manager, with the approval of the Governing Body, to negotiate directly for the purchase of services where it is in the best interest of the City.

Motion -- Knight moved that Paragon Constructors, Inc. be approved as the preferred vendor, Staff be authorized to negotiate a contract; and the necessary signatures be authorized. Motion carried 7 to 0.
-- carried

SECURITY IMP. WATER AND WASTEWATER TREATMENT PLANT SECURITY IMPROVEMENTS.

Agenda Report No. 02-2104

The delivery of water and sewer services are critical needs of the community. It is imperative that the utility continues to improve the security of these critical public services.

A Facilities Assessment has been completed that identifies and evaluates security risks to the utility, along with the necessary improvements to reduce risks. As a result of the assessment, Staff have identified several projects to improve the reliability of the utility and reduce known risks. Additional enhancements will be submitted to City Council for consideration and approval in the future.

Staff estimates the recommended improvements will cost \$325,000. Funding is available in CIPs W-903 and S-542, Security Improvements.

City Council authorization is required for projects in excess of \$10,000. In accordance with Charter Ordinance 111, City Council approval is required for a "design/build" project.

Motion -- Knight moved that the design/build project be approved and that Purchasing Staff be authorized to issue requests for proposals. Motion carried 7 to 0.
-- carried

EQUIPMENT WATER TREATMENT EQUIPMENT.

Agenda Report 02-2105

Chlorine is one of two chemicals that are used for the disinfection of drinking water. The existing chlorine feed equipment was installed in 1994 during a treatment plant upgrade. The system uses chlorine evaporators to convert the liquid chlorine to gas chlorine. The existing evaporators have surpassed the standard five-year service life and need to be replaced.

The present chlorine feed system was manufactured by Wallace & Tiernan and has since been purchased by U.S. Filter. Replacing the existing chlorine evaporators with Wallace & Tiernan/U.S. Filter evaporators will provide consistent parts inventory and will reduce the amount of time required to install the new units. Wallace & Tiernan/U.S. Filter equipment is represented by the Haynes Equipment Co., the sole source of supply.

The cost for both evaporators will not exceed \$50,000. Funds for this equipment are designated in the 2002 Water & Sewer Department operating budget.

Purchasing Ordinance No. 35-856, Section 2(b) provides for the purchase of equipment and supplies from sole sources of supply without advertising for bids. The purchase would be made from Wallace & Tiernan/U.S. Filter.

Motion -- Knight moved that the purchase from sole source vendor be approved and that the Purchasing Manager be authorized to proceed.
-- carried

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 91

VOICE RECOGNITION INTERACTIVE VOICE RECOGNITION SYSTEM UPGRADE.

Agenda Report No. 02-2106

The Office of Central Inspection (OCI) currently has an interactive voice recognition system that allows contractors to request and check the status of inspections, and for OCI inspectors to post the results of requested inspections. The system uses electronic menus (although customers can still contact OCI staff directly), and is available 24 hours per day, 7 days per week. The system processes about 800 transactions every business day.

In 2002, the City Council approved project funding to replace and upgrade the current IVR system in OCI, and to expand the IVR system to the Housing Services and Water & Sewer Departments. Replacement of the existing OCI IVR system was necessitated when the current IVR provider was purchased by another company and announced that it would cease all system support to its IVR products in May 2002. The approved IVR replacement/expansion project is currently scheduled for installation in mid to late December 2002.

During development of the system design specifications with the selected IVR vendor for the replacement and expansion project (Telepath), an additional design feature was proposed that will greatly enhance service levels to OCI IVR system customers. This new design feature is referred to as "fax on demand", and will allow IVR customers to request special reports and/or forms that will be automatically faxed to their offices or computer desktops by simply pressing a couple of buttons on their telephone keypad while in the IVR system. Reports such as complete activity and inspection histories for construction permits, or listings of permits issued by contractor are highly desired by building contractors and others, and will greatly assist them in planning and scheduling their work. Providing contractors the ability to request these customized "fax on demand" reports for permit inspection histories, target plan review dates, and specialized forms/reports will save contractors time and money, and will also create work efficiencies in OCI by reducing time spent on the phone answering questions related to these items.

The "fax on demand" proposal has been reviewed by, and is supported by, IT/IS and the Finance Department.

The cost to add the "fax on demand" capability to the IVR system project is estimated to be \$14,800. The "fax on demand" capability will be transferable to other Departments users included in the IVR project. The \$14,800 estimate includes all software, project design, programming/ management, licensing and installation/training costs.

There are sufficient funds in the OCI reserve account to cover this expenditure.

Budget transfers over \$10,000 require City Council approval.

Motion -- carried

Knight moved that the budget transfer be approved. Motion carried 7 to 0.

BACKUP SYSTEM TAPE LIBRARY FOR BACKUP SYSTEM.

Agenda Report No. 02-2107

IT/IS backs up servers daily for all of its systems, including Finance, Police, Court, Water and Sewer, and several others. When a server is added to the network, it must also be added to the backup system. The backup system serves to create copies of the data and information on systems so that they can be restored in the event of a system failure. This function is the basis for what is termed "disaster recovery" capabilities (i.e. the ability to recover from a system failure). This year, several servers have been added, including Golf, eConnect, IVR, and Citrix servers. The demand for server backups has exceeded the capacity of the current configuration. The City contracts with Dataedge Solutions for computer hardware support of its TSM Enterprise Backup servers. Dataedge Solutions provides the configuration, maintenance, troubleshooting, installation and consulting for these systems.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 92

IT/IS needs two additional tape drives and additional capacity to facilitate concurrent end of day processing and system restores during the daytime hours. The replacement tape library should have enough capacity to last for an additional five years. This is an upgrade of the existing system, and Dataedge Solutions is the recommended vendor.

Funds are available in the Information Technology Fund. The contract has a not to exceed amount of \$89,500.

Agreements which exceed \$10,000 require City Council approval.

Motion --
-- carried

Knight moved that selection of the vendor be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SQL SERVER

SQL SERVER FOR WEB DATABASES.

Agenda Report No. 02-2108

Currently IT/IS utilizes one SQL 2000 database server for the storage of web related databases. IT/IS uses the database for applications such as the Convention Bureau site, the Intranet, and numerous applications on www.wichita.gov. In the future IT/IS will add the Capital Improvement Program (CIP), the Content Management System (CMS), and other major applications to this server. Due to the importance of these applications it is vital to maintain constant uptime on the database server. The current database environment no longer meets the need of high availability. A failure of the database server would result in several problems, including a downtime of several hours for major applications while IT/IS restored from backups and put the backup server into production, a loss of up to 24 hours' worth of data if a backup restore is required, and loss in customer confidence and willingness to use the City's online services.

A redundant SQL cluster would minimize downtime and provide IT/IS with data integrity. It would allow redundancy at the web, application, and database levels. As IT/IS moves forward with online bill payment, online permitting, and other highly visible "public" applications, it will be imperative that we provide a high level of availability. The cluster will provide us with the environment that allows us to meet those goals.

Funds are available in the Information Technology Fund. The contract has a not to exceed amount of \$35,000. Business Computer Center was previously competitively selected as the City's vendor for computers and high-technology items.

Agreements which exceed \$10,000 require City Council approval.

Motion --
-- carried

Knight moved that the vendor selection be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SOFTWARE

PARATRANSIT DISPATCHING AND SCHEDULING SOFTWARE.

Agenda Report No. 02-2109

Wichita Transit (WT) has provided curb-to-curb paratransit van service since 1978, even though it was not a formal requirement until the enactment of the Americans with Disabilities Act (ADA) in 1990. A provision of the Act was that all cities with a population mass of over 250,000, which receives federal assistance for mass transit services, shall provide paratransit transportation for its disabled citizens. The entirety of the disability service was funded by WT through contracts with private transportation providers until 1995. It was then that WT began to directly provide the service as well as continue to fund the transports outsourced to private agencies.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 93

Wichita Transit started out with 5 routes operating 12 hours per weekday and 1 route operating 10 hours on Saturday. 1995 saw an annual result of 42,500 rides provided by WT and 67,900 rides which were scheduled out to the private providers. Calls for trip requests averaged 90 per day. Other duties associated to the service were scheduling of trip requests, production of driver schedules, coverage of the two-way radio system, tracking of no-shows and cancellations, production of performance figures and preparation of mailings. All of these procedures were handled by 2 full time dispatchers and 1 full time scheduler.

Since its inception in 1995, Special Services has realized an average growth rate of 16.5 % per year. Based on this requested increase for the provision of transportation, Special Services now operates 12 routes for a 12 hour period and 2 routes for an 8 hour period on weekdays. In addition, Special Services operates 5 routes for 10 hours on Saturdays. Scheduled rides with WT are now in the annual range of 115,000 with another 95,000 rides being outsourced to private providers. Calls for trips are now averaging 350 per day. Staff to handle this workload still consists of 2 dispatchers and 1 scheduler, who are also tasked with the associated duties.

Wichita Transit realizes the fact that to continue its accommodation in the increase of service demand it must resolve several issues, one of which is the scheduling of trips. One answer would be to add more personnel to assist the Special Services staff. Another obvious and cost incentive solution would be a computer assisted scheduling program.

The City's IT/IS Division released an RFP on May 7, 2002, which was drafted for a proposal process from vendors. The awarded system was requested to have the capabilities to house federally mandated client demographics (disabilities, mobility issues, PCA's, service animals and emergency contacts), a GIS related database, performance tracking, client history tracking and report generators which will satisfy both local and federal requirements. The IT/IS Division and Wichita Transit have selected StrataGen of Kirkland, Washington, as the awarded vendor for the software program.

Funding for the purchase of the software program will be provided by Wichita Transit. The allocation of funds from within Transit's budget will be an FTA grant (80%) and local share match from a KDOT grant (20%). The entire cost for the awarded system shall be in the range of \$166,000. The purchase will also entail a contract for on-going maintenance and support from StrataGen in the amount of \$20,000 per year which shall also be funded through an FTA grant.

A contract for the procurement and support of the software program will be negotiated with StrataGen by the City IT/IS Division and Law Department.

Motion --
-- carried

Knight moved that the procurement of the selected software program be approved and the necessary signatures be authorized. Motion carried 7 to 0.

ENV. HEALTH FEES ENVIRONMENTAL HEALTH FEES.

Agenda Report No. 02-2110

The Environmental Health Department receives substantial program funding through grants, federal and state contracts, local license fees, and service fees. License and service fees charged by Environmental Health typically offset the cost of regulating specific business activities or support activities benefiting specific individuals or groups. Fees for permits or licenses mandated by City ordinance are generally contained within the City Code, while fees for services provided on request are set administratively.

During the 2002 budget preparation process, Environmental Health and Finance Department staff conducted a review of revenue sources used to supplement local tax funding of Environmental Health programs. A number of license or service fees were identified as outdated and inadequate to fund the activities involved, and revised fees were calculated.

Environmental Health staff estimate that the proposed fee adjustments will provide approximately \$ 286,000 in increased revenue for 2003. Projected revenue was incorporated into the proposed 2003 City budget, which received Council approval in August of 2002.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 94

Modification of administrative fees requires no formal Council action. License fees contained within the City Code must be modified via Council approval of ordinances amending the sections in question.

Motion -- carried

Knight moved that the schedule be received and filed. Motion carried 7 to 0.

KDHE/LEPP

LOCAL ENVIRONMENTAL PROTECTION PROGRAM TARGET GRANT.

Agenda Report No. 02-2111

The Kansas Department of Health and Environment (KDHE) is now accepting proposals from Local Environmental Protection Programs (LEPP) for Target Grants. The City of Wichita currently receives LEPP funding, which supports much of the Environmental Health Water Quality Program. As a local LEPP grant recipient, the City of Wichita is eligible to apply for LEPP Target Grant funding. LEPP Target grant funding supports certain projects and activities in excess of the existing base grant. The LEPP base grant currently funds water well sampling, well inspections, ground and surface water monitoring as well as a variety of water quality related activities.

The LEPP Target grant application will enhance the current local water quality effort by providing additional funding to support environmental education, public awareness and surface water quality studies and monitoring with focus on the Arkansas River and its tributaries in the Lower Arkansas River Basin.

The SFY 2003 Target grant application is for \$32,350 and does not require matching funds.

By interlocal agreements between the City and County, the City is responsible for submission as well as implementation of the Target grant. The Law Department has approved the grant application as to form.

Motion --
-- carried

Knight moved that the Grant Application submittal and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

KDOT

KANSAS DEPARTMENT OF TRANSPORTATION TRAINING GRANT.

Agenda Report No. 02-2112

The Bureau of Traffic Safety, Kansas Department of Transportation (KDOT), provides grant funding for one-time training opportunities offered within the state. The Wichita Police Department is requesting funding from KDOT for training in Advanced Collision Investigation.

The grant provides funding for two officers to attend the Kansas Highway Patrol Advanced Collision Investigation Class. This class includes training in investigation and documentation of traffic accidents involving death and/or serious bodily injury.

The cost of the training is \$840. The City of Wichita will be reimbursed by KDOT for the total cost of the training; there is no local match.

Motion --
-- carried

Knight moved that the Grant Application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 95

KBP

AMENDMENT OF INDUSTRIAL REVENUE BOND DOCUMENTS – KBP REPROGRAPHICS. (District I)

Agenda Report No. 02-2113

On September 11, 2001, City Council approved the issuance of Industrial Revenue Bonds in the amount of \$2 million to KBP Reprographics, Inc. The City Council also approved a 70% tax exemption for a term of seven years, on bond-financed property. Bond proceeds were used to finance the cost of acquiring, constructing and equipping its new plant facility located at 700 S. Broadway in downtown Wichita. KBP Reprographics is requesting amendments to the Ordinance and other bond documents to restructure debt service payments in accordance with the lower rates agreed to between the IRB Tenant and Bondholders.

The Series 2001 bonds were purchased by Intrust Bank. Since the date on which the IRBs were initially issued, market interest rates have declined substantially. KBP Reprographics and Intrust have negotiated a restructuring of the bonds that results in lower interest rates. To accomplish this, certain terms of the bond documents must be amended by means of an Ordinance. The changes relate solely to the interest rate on the bonds.

There is no financial impact to the City as a result of the amendment.

Motion --

Knight moved that the document amendments needed to restructure the debt service payments for the Series VII in accordance with lower interest rates be approved; and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance prescribing the form and authorizing execution of a First Supplemental and 'Amending Trust Indenture by and between the City and Intrust Bank, N.A., Wichita, Kansas, as Trustee with respect to the City of Wichita, Kansas, Taxable Industrial Revenue Bonds, Series VII, 2001 (KBP Reprographics, Inc.), introduced and under the rules laid over.

PRESB. MANOR

PURCHASE OPTION – WICHITA PRESBYTERIAN MANOR, INC.

Agenda Report No. 02-2114

On April 21, 1987 the City Council approved the issuance of \$4,885,000 in Industrial Revenue Bonds, Series I, 1987. Bond proceeds were used for the purpose of refunding certain outstanding industrial Revenue bonds of the City issued for the purpose of financing the costs of acquiring, constructing, equipping and furnishing a retirement facility located in the City of Wichita, Kansas. The Bonds are secured, in part, by a Lease Agreement with Wichita Presbyterian Manor, Inc. ("Tenant").

Under the provisions of Sections 17.1 and 17.2 of the Lease Agreement, the Tenant has the option, if all outstanding bonds and Trustee Fees have been paid, to purchase the facility from the City of Wichita for the sum of \$100. The City received notice from the Tenant of a request to call outstanding bonds and of the company's intention to exercise its purchase option on or after January 1, 2003.

Under the terms of the Lease, the City is required to convey the real and personal property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds.

The purchase price is \$100 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 96

The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the Resolution to authorize the execution of the Bill of Sale, Special Warranty Deed and Termination and Release of Lease Agreement, and the delivery of such documents by the Trustee to the Tenant following satisfaction of applicable conditions.

Motion --
-- carried

Knight moved that the Bond Call be authorized; the Resolution be adopted; the documents be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 02-526

A Resolution of the City of Wichita, Kansas authorizing the City to convey title to the project refinanced with the proceeds of the City's Industrial Revenue Refunding Bonds, Series I, 1987, (Wichita Presbyterian Manor, Inc.); Authorizing execution of a Special Warranty Deed and Termination and release of Lease; and authorizing the execution of all such other documents necessary to convey Title to such project to Presbyterian Manors, Inc., presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CLAIM ALLOWED

SETTLEMENT OF CLAIM.

Agenda Report No 02-2115

This lawsuit, Annsun-Donner v. City of Wichita et al, Sedgwick County Case No. 02 C 1279, results from a automobile accident between plaintiff and a Wichita Police Officer.

After investigating the claim, evaluating the extent of the claimed damages, and considering the costs of trial, the City determined that a resolution of this matter was appropriate. The City has been offered an opportunity to resolve the claim with a lump sum payment of \$10,500 as full settlement of all claims arising out of these transactions. Settlement would include a full release of the City and the individual Police Officer.

Funding for this settlement payment is from the Tort Claims Fund.

Motion --
-- carried

Knight moved that the payment of \$10,500 as a full settlement of all possible claims arising out of the transactions which are the subject of the claim be approved. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 3202 EAST DOUGLAS: HILLSIDE KELLOGG TO CENTRAL. (District II)

Agenda Report No. 02-2116

The Hillside Improvement Project, Kellogg to Central, was approved for design and right-of-way acquisition by the City Council on December 11, 2001. One of the properties to be acquired is 3202 East Douglas, owned by J. Arch Lewis. The site contains 50 square feet and has no improvements.

The property was appraised for \$550.00. The owners have agreed to accept this amount.

Funds have been budgeted in the 2002 Capital Improvement Program for project acquisitions. The funding source is General Obligation Bonds. A budget of \$ 1,000 is requested. This includes \$ 550.00 for the acquisition and \$450.00 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 97

PROPERTY ACQ.

ACQUISITION OF SOUTHEAST CORNER OF 1ST AND HILLSIDE: HILLSIDE KELLOGG TO CENTRAL. (District II)

Agenda Report No. 02-2117

The Hillside Improvement Project, Kellogg to Central, was approved for design and right-of-way acquisition by the City Council on December 11, 2001. One of the properties to be acquired is the Southeast Corner of 1st and Hillside, owned by Arun Kumar. The site contains 50 square feet and will require the relocation of one sign.

The property was appraised for \$ 450.00. The owners have agreed to accept this amount.

Funds have been budgeted in the 2002 Capital Improvement Program for project acquisitions. The funding source is General Obligation Bonds. A budget of \$ 4,400 is requested. This includes \$ 450.00 for the acquisition, \$3,500 for sign relocation and \$450.00 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

DONATION OF 1913 NORTH HILLSIDE AND A VACANT PARCEL: HILLSIDE IMPROVEMENT, BETWEEN 17TH AND 21ST STREETS. (District I)

Agenda Report No. 02-2118

The Hillside Improvement Project, between 17th and 21st Streets, was approved for design and right-of-way acquisition by the City Council on May 21, 2002. The project will require the acquisition of 15 tracts. Two of the properties are owned by Yale Investment Company LLC. One is a 7,000 square foot vacant lot in the 1900 block of North Hillside. The second is located at 1913 North Hillside and is improved with a 798 square foot frame house on a 7,000 square foot site. This property is currently unoccupied. The planned improvements will require the removal of the improvements and utilization of both sites.

The owner has offered to donate the properties to the City. Upon donation, the sites will be cleared for the project.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source is general obligation bonds. A budget of \$5,000 is requested for demolition.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 307 SOUTH HILLSIDE: HILLSIDE KELLOGG TO CENTRAL. (District II)

Agenda Report No. 02-2119

The Hillside Improvement Project, Kellogg to Central, was approved for design and right-of-way acquisition by the City Council on December 11, 2001. One of the tracts to be acquired is a portion of 307 South Hillside, owned by Terry and Lana Johnson. The site contains 504 square feet and has no improvements.

The property was appraised for \$2,000. The owners have agreed to accept this amount.

Funds have been budgeted in the 2002 Capital Improvement Program for project acquisitions. The funding source is General Obligation Bonds. A budget of \$ 2,600 is requested. This includes \$ 2,000 for the acquisition and \$ 600 for closing costs and title insurance.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 98

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 147 SOUTH HILLSIDE: HILLSIDE KELLOGG TO CENTRAL. (District II)

Agenda Report No. 02-2120

The Hillside Improvement Project, Kellogg to Central, was approved for design and right-of-way acquisition by the City Council on December 11, 2001. One of the tracts to be acquired is a portion of 147 South Hillside, owned by Immanuel Baptist Church. The site contains 1,638 square feet and would require the restriping of the parking lot and restructure of the parking entrance.

The property and cost to cure was appraised at \$19,313.00. The owners have agreed to accept this amount.

Funds have been budgeted in the 2002 Capital Improvement Program for project acquisitions. The funding source is General Obligation Bonds. A budget of \$ 21,013 is requested. This includes \$19,313 for the acquisition and \$ 1,700 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 210 NORTH HILLSIDE: HILLSIDE KELLOGG TO CENTRAL. (District II)

Agenda Report No. 02-2121

The Hillside Improvement Project, Kellogg to Central, was approved for design and right-of-way acquisition by the City Council on December 11, 2001. One of the tracts to be acquired is a portion of 210 North Hillside, owned by the Don J. Schreck Trust. The site contains 404 square feet and has no improvements.

The property was appraised for \$ 2,300. The owners have agreed to accept this amount.

Funds have been budgeted in the 2002 Capital Improvement Program for project acquisitions. The funding source is General Obligation Bonds. A budget of \$ 3,000 is requested. This includes \$ 2,300 for the acquisition and \$700 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 344 NORTH HILLSIDE: HILLSIDE KELLOGG TO CENTRAL. (District II)

Agenda Report No. 02-2122

The Hillside Improvement Project, Kellogg to Central, was approved for design and right-of-way acquisition by the City Council on December 11, 2001. One of the properties to be acquired is 344 North Hillside, owned by Lucy and Dustin Peintner. The site contains 6,513 square feet and is improved with a 1,392 square foot home with three bedrooms and one bath.

The property was appraised for \$41,000. The owners have agreed to a negotiated amount of \$46,000. The property is currently vacant. Upon acquisition, the site will be cleared for the project.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 99

Funds have been budgeted in the 2002 Capital Improvement Program for project acquisitions. The funding source is General Obligation Bonds. A budget of \$52,000 is requested. This includes \$46,000 for the acquisition, \$5,000 for demolition, and \$1000 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 528 EAST 18TH STREET FOR THE CENTRAL RAIL CORRIDOR GRADE SEPARATION PROJECT. (District VI)

Agenda Report No. 02-2123

The total acquisitions required for the Central Rail Corridor Grade Separation Project were released for active acquisition in July 2002. One of the required properties is located at 528 East 18th Street North. The site contains 32,785 square feet and is developed with a 7,210 square foot industrial building.

The property was appraised for \$110,000. The owner's valuation indicated a price of \$180,000. The owner has agreed to a negotiated sale price of \$140,000. The owner will vacate shortly after closing. The property will be demolished in preparation for the project.

The Capital Improvement Program includes funds for acquisition. The funding source will be general obligation bonds. A budget of \$160,000 is requested. This includes \$140,000 for acquisition, \$15,000 for demolition and \$5,000 for closing costs, surveys, insurance, etc.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ NOVEMBER 19, 2002)

- a) Issuance of Health Care Facility Refunding Revenue Bonds – Homestead Health Center, Inc. (District IV)

ORDINANCE NO. 45-504

An ordinance authorizing the City of Wichita, Kansas, to issue its health care facilities refunding revenue bonds, Series VI, 2002 (Homestead Health Center, Inc.) in the aggregate principal amount of \$780,000 for the purpose of providing funds to refund on a current basis certain health care facility revenue bonds, Series VII, 1994 of the city and pay certain costs of issuance; prescribing the form and authorizing execution of a trust indenture between the City and Intrust Bank, N.A., Wichita, Kansas, as trustee; prescribing the form and authorizing execution of a lease agreement by and between the City and Homestead Health Center, Inc.; approving the form of a guaranty agreement between Homestead Health Center, Inc. and American Baptist Estates, Inc., as guarantors, and the trustee; prescribing the form and authorizing the execution of a bond purchase agreement between the City, Homestead Health Center, Inc., and Riedl First Securities Company of Kansas, Inc., Wichita, Kansas, as purchaser of the Series VI, 2002 bonds, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- b) Industrial Revenue Bonds – Rand Graphics, Inc. (Districts IV, V)

ORDINANCE NO. 45-503

An Ordinance authorizing the City of Wichita, Kansas, to issue its taxable industrial revenue bonds in the aggregate principal amount of \$2.355 million for the purpose of providing funds to purchase and install certain machinery and equipment in a commercial printing facility located in the City of Wichita, Kansas; prescribing the form and authorizing execution of a trust indenture by and between the City and First National Bank of Hutchinson, Hutchinson, Kansas, as trustee, with respect to the bonds/

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 100

prescribing the form and authorizing the execution of an easement and agreement by and between Rand Graphics, Inc., and the City; approving the form of a guaranty agreement by and between Rand Graphics, Inc., and the trustee; and authorizing the execution of a bond placement agreement by and between the City, Rand Graphics, Inc., and Emprise Bank, Wichita, Kansas, as purchaser of the bonds, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- c) Central Avenue Improvement – between Maize and Tyler. (District V)

ORDINANCE NO. 45-506

An Ordinance declaring Central Avenue, between Maize Road and Tyler Road (472-83659) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- d) Water rate adjustments.

ORDINANCE NO. 45-507

An Ordinance amending Section 17.12.090 of the Code of the City of Wichita, Kansas, pertaining to schedule of rates and charges for water service, and repealing the original of said section, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- e) Sewer rate adjustments.

ORDINANCE NO. 45-508

An Ordinance amending Section 16.14.040 of the Code of the City of Wichita, Kansas, relating to the schedule of rates for users of the sanitary sewer system, and repealing the original of said section, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- f) State license plate required.

ORDINANCE NO. 45-509

An Ordinance amending section 11.38.300 of the Code of the City of Wichita, Kansas, pertaining to state license plate required, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- g) Industrial Revenue Bond Documents – Lee Aerospace, Inc. (District II)

ORDINANCE NO. 45-505

An Ordinance prescribing the form and authorizing execution of a Series VI First Supplemental and amending trust indenture by and between the City and Intrust Bank, N.A., Wichita, Kansas, as trustee with respect to the City of Wichita, Kansas, Taxable Industrial Revenue Bonds, Series VI, 1999 (Lee Aerospace, Inc.), read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 101

h) Property acquisition by eminent domain - tracts required for the Pawnee Rail Separation Project. (District III)

ORDINANCE NO. 45-510

An Ordinance providing for the acquisition by eminent domain of certain private property, easements, and right-of-way therein, for the purpose of acquiring real property for the construction of rail grade separation at Pawnee Avenue in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

i) Property acquisition by eminent domain - tracts required for the Central Rail Corridor Grade Separation Project. (District VI)

ORDINANCE NO. 45-511

An Ordinance providing for the acquisition by eminent domain of certain private property, easements, and right-of-way therein, for the purpose of acquiring real property for the construction of the elevated rail corridor project in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

j) Property acquisition by eminent domain - tracts required for the runaway approach protection at Mid-Continent Airport. (District V)

ORDINANCE NO. 45-512

An Ordinance providing for the acquisition by eminent domain of certain private property, easements, and right-of-way therein, for the purpose of preserving the runway approach protection zone for Mid-Continent Airport in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands and easements therein taken and providing for payment of the cost thereof, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

k) A 02-21- south of West Pawnee Avenue and West of South Maize Road, also including Segments of 13th Street North located west of 119th Street and east of Webb Road. (Districts II, IV, V)

ORDINANCE NO. 45-502

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A-02-21

DOG LICENSE

MODIFICATION TO DOG LICENSE ORDINANCE.

Agenda Report No. 02-2124

Due to increased responsibility resulting from the growth of population and land area due to annexation, the Council approved an increase of one position for 2002. Department of Finance recommends a modest increase in the base license fee to help offset the addition of this position.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 102

The current license fees have remained static since 1991. Animal Control has experienced a 64% increase in service requests since 1980. Aggressive annexation continues to add territory and citizens to the service area. In addition to the permit fee increase, minor modifications have been made to the code to eliminate the license exemption for breeders and to clarify the Service dog definitions to better define those that qualify for this exemption.

Using year 2001 licensing figures, it is estimated that this increase will generate \$80,588.

Motion --carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Sections of 6.04.150 of the Code of the City of Wichita, Kansas, pertaining to License for keeping a dog, introduced and under the rules laid over.

EMPLOYEE SALARY AMENDMENTS TO SALARY AND POSITION CLASSIFICATION ORDINANCE.

Agenda Report No. 02-2125

Throughout the year Personnel is requested to review various classifications to determine if they are meeting the growing needs of the City and departmental organizations, and are appropriately classified to attract individuals to carry out the City's mission and departmental responsibilities. Some of the positions included in the proposed amendments were discussed and considered in the adopted 2002-2003 budget. Listed are positions recommended to be included or changed from the 2003 ordinance.

<u>New Job Classifications</u>	<u>Classification Range</u>	
Golf Course Maintenance Supervisor	117	
Assistant Director of Parks and Recreation	006	
Assistant Director of Water and Sewer	005	
<u>Range Changes</u>	<u>From Range</u>	<u>To Range</u>
Administrative Services Director	004	005
Security Officer	621	623
<u>Job Title Changes</u>	<u>To</u>	
Airport Security Officer	Airport Services Officer	
Associate Planner	Associate Planner (A) – (C)	
Customer Service Clerk I (A) – (E)	Customer Service Clerk I (A) – (F)	
Engineering Aide III (A) – (E)	Engineering Aide III (A) – (F)	
General Supervisor II (A) – (D)	General Supervisor II (A) – (F)	
Principal Planner	Principal Planner (A) – (C)	
Senior Planner	Senior Planner (A) – (C)	

Position changes will be financed out departmental existing budgets.

Motion --carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance establishing position classifications for employees of the City of Wichita and prescribing pay rates by reference to position classifications in the schedule of pay ranges amending Ordinance No. 45-350, introduced and under the rules laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 103

PLANNING AGENDA

Dale Miller Acting Director of Planning stated that the Planning Agenda, except Item 49, could be considered as consensus.

Motion -- carried Knight moved that the Planning Agenda, except Item 49, be approved as consensus Items. Motion carried 7 to 0.

SUB2002-123 **SUB2002-123 - STREET IMPROVEMENT AGREEMENT FOR LOT SPLIT - NORTHWEST CORNER OF LEWIS AND ZELTA DRIVE.** (District II)

Agenda Report No. 02-2126

This No Protest Agreement for the paving of Lewis Street, was a requirement for the approval of Lot Split No. SUB 2002-123 (Lot 40, Linwood Acres Addition). The Lot Split will allow for the creation of one additional lot zoned "SF-5" - Single Family Residential District. The Agreement assures the City of Wichita that this property will be included in the improvement district for paving of Lewis Street, south of and adjacent to said Lot 40, and Zelta Street, east of and adjacent to Lot 40, and that the owners have waived their right to protest said paving.

The No Protest Agreement will be recorded with the Register of Deeds.

Motion -- Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion -- carried 7 to 0.

SUB2001-128 **SUB2001-128 – PLAT OF MINNEHA ELEMENTARY SCHOOL ADDITION – WEST SIDE OF WEBB ROAD, NORTH OF CENTRAL.** (District II)

Agenda Report No. 02-2127

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (12-0)

This plat is zoned SF-5, Single-Family Residential and municipal facilities are available to the site.

The site is within the noise impact area of McConnell Air Force Base and an avigational easement and restrictive covenant were required. A driveway approach certificate has been provided regarding the closure of driveways along Webb Road currently located in an area platted with access controls.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The avigational easement and restrictive covenant will be recorded with the Register of Deeds.

Motion -- Knight moved that the documents and Plat be approved; and the necessary signatures be authorized. -- carried Motion carried 7 to 0.

SUB2002-41 **SUB2002-41 – PLAT OF LIBERTY PARK ADDITION – NORTH SIDE OF 13TH STREET NORTH, EAST SIDE OF 135TH STREET WEST.** (District V)

Agenda Report No. 02-2128

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (12-0)

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 104

The site has recently been annexed to the City of Wichita and is zoned "SF-5" - Single-Family Residential District.

Petitions, all 100%, have been submitted for sanitary sewer, drainage, municipal water, paving and traffic improvements. A Certificate of Petitions has been provided.

To provide for off-street parking for lots adjacent to narrow streets, a Restrictive Covenant has been submitted requiring that four (4) off-street parking spaces per dwelling unit be provided for each such lot. Also, a Restrictive Covenant was been submitted to provide for the ownership and maintenance of the reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Restrictive Covenants and Certificate of Petitions will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-527

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89746, (south of 13th Street, east of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-528

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89747 (south of 13th Street, east of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-529

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89748, (south of 13th Street, east of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-530

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89749, (south of 13th Street, east of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-531

Resolution of findings of advisability and Resolution authorizing improving of Lateral 2, Main 5, Northwest Interceptor Sewer, (south of 13th Street, east of 135th Street West) 468-83529, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 105

RESOLUTION NO. 02-532

Resolution of findings of advisability and Resolution authorizing improving of Lateral 3, Main 5, Northwest Interceptor Sewer, (south of 13th Street, east of 135th Street West), 468-83530, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-533

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 193, (south of 13th Street, east of 135th Street West), 468-83542, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-534

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 194, (south of 13th Street, east of 135th Street West) 468-83543, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-535

Resolution of findings of advisability and Resolution authorizing improving of Storm Water Sewer No. 577, (south of 13th Street, east of 135th Street West) 468-83544, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-536

Resolution of findings of advisability and Resolution authorizing improving of Storm Water Sewer No. 578 (south of 13th Street, east of 135th Street West) 468-83545, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-537

Resolution of findings of advisability and Resolution authorizing improving of Storm Water Sewer No. 579 (south of 13th Street, east of 135th Street West) 468-83546, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO.02-538

Resolution of findings of advisability and Resolution authorizing improving Forestview from the north line of the plat, south to the north line of lot 43, block a. Forestview ct. (lots 5 through 18, block a) from the west line of Forestview, west to and including the cul-de-sac, on Forestview ct. (lots 19 through 32, block a) from the west line of Forestview, west to and including the cul-de-sac, and on Forestview ct. (lots 33 through 43, block a) from the west line of Forestview, west to and including the cul-de-sac. sidewalk constructed on one side of Forestview, (south of 13th, east of 135th street west) 472-83653, in the city of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 106

RESOLUTION NO. 02-539

Resolution of findings of advisability and Resolution authorizing improving Forestview from the north line of Lot 43, Block A, south to the north line of Lot 15, Block C, on Alderny from the east line of Forestview, east to the southeasterly line of Lot 36, Block B, and on 10th St. N. from the west line of Forestview, west to the west line of the plat. Forestview Ct. (Lots 12 through 28, Block A) from the east line of Forestview, east to and including the cul-de-sac, on 10th N. Ct. (Lots 47 through 54, Block A) from the north line of 10th St. N., north to and including the cul-de-sac, and on 10th N. Ct. Lots 1 through 9, Block C) from the south line of 10th St. N., south to and including the cul-de-sac. Sidewalk constructed on one side of Forestview, Alderny, and 10th St. N., (south of 13th, east of 135th Street West) 472-83654, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-540

Resolution of findings of advisability and Resolution authorizing improving Forestview from the north line of Lot 15, Block C, south to the north line of Lost Creek, on Lost Creek, from the west line of Forestview, east to the west line of Liberty, on Liberty, from the south line of the Plat, north to the southeasterly line of Lot 36, Block B, and on Harvest Lane from the east line of Liberty, east to the east line of the Plat. Forestview Ct. (Lots 15 through 24, Block C) from the west line of Forestview, west to and including the cul-de-sac, on Lost Creek Cir. from the south line of Lost Creek, south to and including the cul-de-sac, and on Alderny Ct. from the south line of Alderny, south to and including the cul-de-sac. Sidewalk to be constructed on Forestview, Lost Creek, Liberty, and Harvest lane, (south of 13th, east of 135th Street West) 472-83655, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-541

Resolution of findings of advisability and Resolution authorizing improving 13th Street North to serve Liberty Park and Copper Gate Estates, (south of 13th Street, east of 135th Street West) 472-83656, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-542

Resolution of findings of advisability and Resolution authorizing constructing left turn bay improvements on 13th Street North, (south of 13th Street, east of 135th Street West), 472-83657, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-543

Resolution of findings of advisability and Resolution authorizing constructing left turn bay improvements on 135th Street West from Ponderosa as platted in Copper Gate Estates to 10th Street North as platted in Liberty Park, (south of 13th Street, east of 135th Street West) 472-83658, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 107

SUB2002-51

SUB2002-51 – PLAT OF COPPER GATE ESTATES ADDITION – SOUTHWEST CORNER OF 13TH STREET NORTH AND 135TH STREET WEST. (District V)

Agenda Report No. 02-2129

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (12-0)

The site has recently been annexed to the City of Wichita.

A zone change (ZON 2002-51) from LC, Limited Commercial District to SF-5, Single-Family Residential District for the portion of the property previously platted as Copper Gate Addition has been approved.

Petitions, all 100%, have been submitted for sanitary sewer, drainage, municipal water, paving and traffic improvements. A Certificate of Petitions has been provided. To provide for off-street parking for lots adjacent to narrow streets, a Restrictive Covenant has been submitted requiring that four (4) off-street parking spaces per dwelling unit be provided for each such lot. Also, a Restrictive Covenant was been submitted to provide for the ownership and maintenance of the reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Restrictive Covenants and Certificate of Petitions will be recorded with the Register of Deeds.

Motion --

-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the Resolutions be adopted; and the ZON2002-51 Ordinance be placed on first reading. Motion carried 7 to 0.

RESOLUTION NO. 02-544

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-89755, (south of 13th Street, west of 135th Street West), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-545

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89756, (south of 13th Street, west of 135th Street West, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-546

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89757, (south of 13th Street, west of 135th Street West, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-547

Resolution of findings of advisability and Resolution authorizing improving of Lateral 4, Main 5, Northwest Interceptor Sewer, (south of 13th Street, west of 135th Street West), 468-83532, in the City of

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 108

Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-548

Resolution of findings of advisability and Resolution authorizing improving of Lateral 5, Main 5, Northwest Interceptor Sewer, (south of 13th Street, west of 135th Street West), 468-83533 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-549

Resolution of findings of advisability and Resolution authorizing improving of Lateral 6, Main 5, Northwest Interceptor Sewer, (south of 13th, West of 135th Street West), 468-83534 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-550

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 196 (south of 13th Street, west of 135th Street West) 468-83558, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-551

Resolution of findings of advisability and Resolution authorizing improving of Storm Water Sewer No. 581 (south of 13th Street, west of 135th Street West) 468-83559, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-552

Resolution of findings of advisability and Resolution authorizing improving of Storm Water Sewer No. 582 (south of 13th Street, west of 135th Street West) 468-83560, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-553

Resolution of findings of advisability and Resolution authorizing improving of Storm Water Seer No. 583 (south of 13th Street, west of 135th Street West) 468-83561, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-554

Resolution of findings of advisability and Resolution authorizing improving Aksarben from the north line of the Plat, south to the north line of Ponderosa, and on Ponderosa from the west line of Aksarben, east to the east line of the Plat. Aksarben Ct. (Lots 1 through 6, Block A) from the west line of Aksarben, west to and including the cul-de-sac, on Aksarben Ct. (Lots 7 through 14, Block A) from the west line of Aksarben, west to and including the cul-de-sac, on Aksarben Ct. (Lots 1 through 10, Block

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 109

D) from the east line of Aksarben, east to and including the cul-de-sac, on Aksarben Ct. (Lots 11 through 24, Block D) from the east line of Aksarben, east to and including the cul-de-sac, and on Ponderosa Ct. from the north line of Ponderosa, north to and including the cul-de-sac. Sidewalk be constructed on one side of Aksarben and Ponderosa, (south of 13th, west of 135th Street West) 472-83669, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-555

Resolution of findings of advisability and Resolution authorizing improving Ponderosa from the west line of Aksarben, west to the north line of Alderny, on Alderny from the south line of Ponderosa east to the west line of Aksarben, and on Aksarben from the south line of Ponderosa, south to the south line of Lot 37, Block A. Alderny Ct. from the south line of Alderny, south to and including the cul-de-sac, and on Ponderosa Ct. from the south line of Ponderosa, south to and including the cul-de-sac. Sidewalk on one side of Aksarben, Ponderosa, and Alderny, (south of 13th, west of 135th Street West) 472-83670, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-556

Resolution of findings of advisability and Resolution authorizing improving Aksarben from the south line of Lot 37, Block A, south to the north line of Lost Creek, on Lost Creek from the west line of Aksarben, east to the east line of the Plat, on Harvest Lane from the west line of Aksarben, west to the west line of the Plat, and on Aksarben from the south line of Lost Creek Circle, south to the south line of the Plat. Harvest Lane Ct. from the north line of Harvest lane, north to and including the cul-de-sac, On Aksarben Ct. from the west line of Aksarben, west to and including the cul-de-sac, and on Lost Creek Circle from the south line of Lost Creek, west to and including the cul-de-sac. Sidewalk on one side of Aksarben, Harvest Lane, and Lost Creek, (south of 13th, west of 135th Street West) 472-83671, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON2002-51

SUB2002-65

SUB2002-65 – PLAT OF SHADOW RIDGE ADDITION – EAST OF HILLSIDE, SOUTH OF PAWNEE. (District III)

Agenda Report No. 02-2130

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This is a replat of Lot 10, Block B, Plainview Subdivision No. 2 and is zone “MF” 29 - Multi-Family Residential District.

Petitions, all 100%, have been submitted for sanitary sewer, water, paving improvements. A Certificate of Petitions has been provided.

A Restrictive Covenant limiting the uses of the site to single-family has also been provided by the applicant as offered during the zone change hearing.

The Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 110

Motion --
-- carried

Knight moved that the documents and Plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 02-557

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89759 (east of Hillside, south of Pawnee), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-558

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89760, (east of Hillside, south of Pawnee), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-559

Resolution of findings of advisability and Resolution authorizing improving of Lateral 157, War Industries Sewer, (east of Hillside, south of Pawnee) 468-83556, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-560

Resolution of findings of advisability and Resolution authorizing improving of Lateral 158, War Industries Sewer, (east of Hillside, south of Pawnee) 468-83557, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-561

Resolution of findings of advisability and Resolution authorizing improving Sunnybrook Court from the north line of Sunnybrook to and including cul-de-sac, (east of Hillside, south of Pawnee) 472-83673, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-562

Resolution of findings of advisability and Resolution authorizing improving Sunnybrook Court from the north line of Sunnybrook to and including cul-de-sac, (east of Hillside, south of Pawnee) 472-83674, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SUB2002-69

SUB2002-69 – PLAT OF WICHITA HEIGHTS HIGH SCHOOL ADDITION – SOUTHWEST CORNER OF 53RD STREET NORTH, HILLSIDE. (District I)
Agenda Report No. 02-2131

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (12-0)

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 111

This is an unplatted site located within the City and is zoned “SF-5” - Single-Family Residential District and “LC” - Limited Commercial District. City water services are available from Park City. A petition for sewer services has previously been submitted.

Motion --
-- carried

Knight moved that the Documents and Plat be approved; the Resolutions be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 02-563

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89739, (south of 53rd Street North, west of Hillside) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-564

Resolution of findings of advisability and Resolution authorizing improving of Lateral 3, Main 13, Sanitary Sewer No. 23, (south of 53rd Street North, west of Hillside), 468-83535, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SUB2002-106

SUB2002-106 – PLAT OF TENNANT ADDITION – WEST OF SENECA, NORTH OF PAWNEE. (District IV)

Agenda Report No. 02-2132

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (13-0)

This is an unplatted site located within the City limits and is zoned “SF-5” - Single-Family Residential District. City sewer and water services are available.

Motion --
-- carried

Knight moved that the Plat be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

(Item 49)

CON2002-00037

CON2002-00037 – AMEND CU-425 TO EXTEND TIME DURING WHICH CONSTRUCTION AND DEMOLITION WASTE MAY BE DEPOSITED IN THE EXISTING C AND D LANDFILL ON PROPERTY ZONED LIMITED INDUSTRIAL WITH A CONDITIONAL USE (CU-425) – SOUTHWEST OF 31ST STREET SOUTH AND K-15 HIGHWAY. (District III)

Dale Miller

Acting Director of Planning reviewed the Item.

Agenda Report No. 02-2133

MAPC Recommendation: Approve subject to conditions (8-3).
Staff Recommendation: Deny.
D.A.B. Recommendation: No action taken

The 26.14 acre site, located southwest of the K-15 Highway – 31st Street South intersection, is currently zoned “LI” Limited Industrial with Conditional Use CU-425. CU-425, as approved by the MAPC at their 02-27-97 meeting, established a construction and demolition waste landfill on the site, subject to 18 conditions. The applicant is requesting an amendment to CU-425. The proposed amendment would extend the time construction and demolition waste could be deposited at this existing and operating C&D landfill from its current shut down date of April 1, 2003 (Condition ‘C’ of CU-

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 112

425) to December 31, 2010. (Approved Conditional Uses may be amended by following the same procedures as required for consideration and approval of the original conditional use application.)

This land is owned by the City, which has leased the property to the applicant for use as a C&D landfill. The lease of the land can be extended to match the terms of the CU. Access to the site is off the 31st Street South - K-15 intersection. The site generates 25-30 trips per day. Once the fill operations are complete, it is anticipated this area will be developed as a linear park.

The applicant has received a letter from the Kansas Department of Health and Environment (KDHE) informing the applicant that the KDHE permit will expire April 1, 2003. There is a prohibition on locating landfills within a ½ mile of a navigable river and this makes this permit not eligible for renewal under KSA 65-3407 (k)(1).

The Wichita Drainage Canal and the Arkansas River separate the site from the properties on its west side. These properties are zoned "LI" and are developed as the Wichita Waste Water Treatment Facility. Across K-15 Highway, east of the site, the properties are zoned "LC" Limited Commercial and "SF-5" Single Family Residential. Development ranges from commercial uses on the northeast side of the K-15 – 31st Street South intersection to a manufactured home park on the southeast side of this intersection and single-family residences north and south of them. Properties south of the site are zoned "LI" and are undeveloped. Properties immediately north of the site are zoned "LI" and are developed as a rock crusher and construction yard.

CU-425, approved in 1997, established a construction and demolition waste landfill. CU-425 was recommended for denial by CPO #3, 6-2, then recommended for approval by the MAPC 10-2, and approved by the WCC. In the past, and as recently as 2 months ago from the time of the current MAPC hearing, this operation has generated numerous complaints from area residents regarding pollution, trash, traffic and dust. According to OCI the site is currently in compliance with the conditions of CU-425 (see attachment 4-1 –4-2) and the applicant has been prompt in addressing any compliance issues noted by OCI.

DAB III heard and considered this request at their 09-04-02 meeting. There was a motion made to deny the request to amend the Conditional Use (condition "C" of CU425). Included in the motion was a requirement that the applicant leave all trees along the perimeter to provide a landscape buffer between the C&D landfill and the abutting or adjacent properties. The motion was seconded, however no action was taken on the motion. The MAPC considered the case at their 09-12-02 meeting and recommended approval, 8-3, to amend CU-426, with condition "C" now being "The deposit of material on site shall cease by December 10, 2009." The remaining 17 conditions are to remain in effect.

Within the two (2) week period allowed for protest to be filed following the MAPC hearing, 26 appeals were filed. Landowners outside the 200-foot protest radius but within the 1000-foot case notification radius registered these appeals. Because these petitioners were outside the 200-foot protest radius they cannot be recognizes as protest. Their status is 'appealing the MAPC recommendation for approval.'

Council Member Lambke Council Member Lambke explained that the area contains three separate operations: 1) a construction/demolition landfill; 2) a wrecking company; and 3) a rock crusher to the north. A majority of complaints concern dust and a few complaints concern unsightliness. The C & D landfill is about one-half full and it has been about three years since the start of the operation. The landfill conforms to regulations. The sincerity of neighborhood complaints regarding dust is recognized; however, almost all of the dust is caused by the rock crusher and traffic on interior roads. Very little of the dust has to do with the landfill. Cornejo is building an eight-foot tall screening wall on property to separate the north from the south.

Council Member Lambke said he did not believe there was just cause to deny the request because the landfill is already half full. Any contamination that would occur from the current use would already be present. Worries about river contamination are fairly unfounded. The landfill complies with the rules and has monitoring wells.

The State of Kansas has final determination on the permit.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 113

Motion --

Lambke moved that City Council approve the Conditional Use to permit an extension for the time construction and demolition waste could be deposited at this existing and operating C&D landfill from its current shut down date of April 1, 2003 for one year, subject to all requirements in place today. and the Resolution be adopted. Motion carried 6 to 1. (Gale, no)

-- carried

RESOLUTION NO. 02-565

A Resolution authorizing a Conditional Use to amend CU-425, to extend the time during which construction and demolition waste may be deposited in the existing C & D Landfill with a Conditional Use, CU-425- on 26.14 acres Zoned "LI" Limited Industrial, located southwest of 31st Street South and K-15 Highway, in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-D, as adopted by Ordinance No. 44-975, as amended, presented. Lambke moved that the Resolution be adopted. Motion carried 6 to 1. Yeas: Brewer, Fearey, Lambke, Martz, Pisciotte, Knight. (Gale, no)

ZON2002-00059

ZON2002-00059 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL – WEST OF HOOVER, SOUTH OF MACARTHUR. (District V)

Agenda Report No. 02-2134

MAPC Recommendation: Approve, subject staff recommendation. (11-0)

Staff Recommendation: Approve, subject to dedication of 10 feet of right-of-way on Hoover at the application area.

The applicant requests "LC" zoning on a vacant .62-acre strip of land (42 feet by 450 feet) located west of Hoover and south of Macarthur, along the southern boundary of the "LC" zoned Wheatland Commercial Addition. The entire Wheatland Commercial Addition is currently undeveloped; this zone change application is associated with a request to vacate the platted 42-foot building setback located along the south boundary of the Addition.

The applicants intend to develop the application area with limited commercial uses. Northwest of the application area is an "LC" zoned medical clinic; north of the application area, across Macarthur, is an "LC" zoned gas station/convenience store/liquor store. South and West of the application area is an "SF-5" zoned and developed subdivision. East of the application area is an "LC" zoned corner developed with two farmhouses; these farmhouses are part of a larger 81-acre tract, zoned "SF-20" and "RR", and under agricultural production.

The proposed zone change, from "SF-5" to "LC," and the proposed development, would require conformance to all property development standards in the Unified Zoning Code. These development standards would include a 25-foot compatibility setback from the south property line at the application area.

MAPC heard this request at their regularly scheduled meeting on November 11, 2002. No members of the public chose to speak on the zone change request; the applicant and his agent agreed with the Planning Staff recommendation. MAPC approved the request by a vote of 11-0, subject to dedication of 10 feet of right-of-way on Hoover at the application area.

Motion --

Knight moved that City Council concur with the findings of the MAPC and approve the zone change, subject to dedication of 10 feet of right-of-way on Hoover, and the Ordinance be placed on first reading when the dedication is forwarded to Council. Motion carried 7 to 0.

-- carried

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 114

ZON2002-00060

ZON2002-00060 – ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL AND LIMITED COMMERCIAL TO OFFICE WAREHOUSE – SOUTH OF 14TH STREET NORTH, EAST OF TERRACE DRIVE. (District I)

Agenda Report No. 02-2135

MAPC Recommendation: Approve, subject staff recommendation. (11-0)
Staff Recommendation: Approve, subject to Protective Overlay #118 conditions.
D.A.B. I Recommendation: D.A.B. I recommended approval. (10-0)

The applicant requests “OW” zoning on a vacant 1.83-acre platted site located south of 14th Street North, between Terrace and Pershing. The northern half of the site is zoned “B”, and the southern half is zoned “LC”. North of the application area is “SF-5” zoned properties developed with single-family residences. South of the application area are “LC” and “GC” zoned properties developed with retail, service, and restaurant uses. East of the application area is property zoned “B” and “LC”, and developed with strip commercial uses and associated parking. West of the application area is property zoned “LC” and “GC”; this area is developed with a shooting range and a retail furniture store. The application area is intended to house a warehouse facility for the furniture store to the southwest of the application area. The warehouse facility anticipates truck deliveries averaging fewer than two trucks per day on weekdays only, an average of 50 retail customer pickups on weekdays, an average of 100 retail customer pickups on Saturdays, and an average of 17 deliveries to customers daily. The proposed development would require conformance to all property development standards in the Unified Zoning Code.

On Monday, November 4, 2002 the District Advisory Board (DAB) for Council District I considered this request. DAB Members and the public, expressed concerns about trash/debris from the warehouse getting into homeowner’s yards, a lack of adequate parking at the retail location, concern about customers parking on Terrace and impeding traffic, concern that the proposed warehouse may generate more business and therefore increase on-street parking, and concern about delivery trucks blocking Terrace when backing into the warehouse. The DAB members voted 10-0 to recommend approval of the request, subject to staff recommendations, with an addition to the Protective Overlay requiring that parking must exceed minimum code requirements.

At its regular meeting on November 7, 2002, the Metropolitan Area Planning Commission considered this request. No members of the public chose to speak on this request. Because of the low number of parking spaces required by code for warehouse facilities, staff and the applicant determined that parking on the site would exceed code requirements. MAPC voted to approve the request (11-0), subject to the following provisions of Protective Overlay #118:

1. The applicant shall construct a sidewalk, to City of Wichita standards, in the right of way on 14th Street along the north boundary of the site, connecting with the existing ADA sidewalk ramps. The applicant shall provide a guarantee for the sidewalk in a form suitable to the City Engineer within 60 days of approval of the zone change by the governing body.
2. The applicant shall submit a Landscape Plan to be approved by the Planning Director. The Landscape Plan shall demonstrate the landscaped street yard required by the Landscape Ordinance where adjacent to residential zoning. The landscaped street yard shall meet screening requirements where adjacent to residential zoning with a minimum of one tree every 30-feet, all trees shall be designated as species which will reach a mature height of 40-feet, and at least one-half of the tree requirement shall be met with evergreen trees.
3. The applicant shall submit a site circulation plan to be approved by the Traffic Engineer. The circulation plan shall demonstrate intersection site triangles at a minimum of 40 feet, and turning radii and queuing space for anticipated truck traffic, ensuring that Terrace will remain passable.
4. Buildings on the site shall be of a masonry and/or concrete exterior building material, and shall not exceed 35-feet in height. Mechanical equipment on the site shall be screened from adjacent

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 115

residential zoning. Lighting on the site shall be shielded away from residential zoning. No signage shall be permitted on the north or west boundary of the site where adjacent to residential zoning.

5. Loading docks on the site shall be screened from adjacent residential zoning with screen walls between 6 and 8 feet in height, and of the same materials and colors as the primary building. No outdoor work or storage areas shall be permitted on the site along 14th Street or Pershing Avenue.

Motion --

Knight moved that City Council concur with the findings of the MAPC and approve the zone change, subject to Protective Overlay #118; and the ZON2002-00060/Protective Overlay #118 Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON2002-00060/Potective Overlay #118.

ZON2002-00058

ZON2002-00058 – ZONE CHANGE TO NEIGHBORHOOD RETAIL; AND CUP2002-00040 AMENDMENT TO DP243 #1 SMITHMOOR COMMERCIAL CUP PARCEL 10 TO ALLOW NEIGHBORHOOD RETAIL USES – SOUTH SIDE OF HARRY, APPROXIMATELY 200 FEET EAST OF SMITHMOOR STREET. (District II)

Agenda Report No. 02-2136

MAPC Recommendation: Approve, subject to conditions and staff recommendations (12-0).

Staff Recommendation: Approve, subject to conditions.

DAB Recommendation: Approve, subject to MAPC recommendation (8-0)

The applicant is proposing to amend DP-243 Smithmoor Commercial Community Unit Plan and rezone Parcel 10, which is 0.9 acre in size, from “GO” General Office to “NR” Neighborhood Retail. The amendment would permit neighborhood retail uses.

The applicant did not request any additional changes to the C.U.P. except that the parcel would be permitted “NR” signage. Currently the Wichita Sign Code is identical for “GO” and “NR” so this would not represent an actual change in permitted signage. The C.U.P. requires uniform architectural design. The Weigand real estate office has established design precedence, and any building on this site would be required to follow its precedence. The parcel description does not specify the number of buildings permitted. A preliminary site plan submitted with the application showed one commercial building as a prototype. Other existing requirements of the C.U.P. include pedestrian circulation and screening of trash and service areas and rooftop equipment. The C.U.P. requires cross-lot circulation between Parcels 1, 10 and 11 and limits these parcels to one joint access point onto Harry and no access onto Smithmoor Street.

Neighborhood Retail is considered a more intensive zoning district than “GO” General Office because it allows general retail and restaurants, subject to size limitations on both types of uses and prohibiting drive-in and drive-through restaurants. It omits a number of uses permitted in “GO” including hotels and funeral homes, as well as some of the residential and public and civic uses.

Parcel 10 is part of a 24-acre community unit plan that is approved for development of on the southwest corner of Harry and Greenwich. The adjoining parcel to the west, Parcel 1, is zoned “GO” and is developed with a real estate office. Parcel 11 to the south is zoned “GO” also, but is vacant. The remainder of the C.U.P. to the east is zoned “LC” Limited Commercial. The land west of Smithmoor Street is already developed with single-family homes and is zoned “SF-5” Single-family. The land to the south of the C.U.P. is currently under development with single-family homes and is zoned “SF-5”. The property to the north of Harry is held in large acreages and is zoned for residential use (“SF-5” and “SF-20” Single-family).

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 116

Transportation access is via Harry, a recently improved four-lane arterial street. Current traffic flow in 2002 on Harry was 7,736 average daily traffic volumes. Projected ADT for 2030 was 14,000 cars per day. Other normal municipal services are available.

Staff recommended approval to MAPC based on "NR" being one step greater in intensity than "GO", but still restricting the size of retail and the size of restaurants plus eliminate drive-in/drive-through activities and functioning as a buffer to the more intense "LC" uses to farther east. Staff requested an additional ten feet of right-of-way to be dedicated along Harry to conform to existing right-of-way widths for arterials per the Access Management Policy and that the C.U.P. be amended to indicate one building is permitted on Parcel.

At the MAPC meeting held November 7, 2002, MAPC voted (12-0) to approve subject to staff recommendations except to delete the request for the additional ten feet of right-of-way.

At the DAB II meeting held November 18, 2002, the board voted (8-0) to approve subject to MAPC recommendations.

Motion --

-- carried

Knight moved that City Council concur with the findings of the MAPC and approve the zone change and C.U.P. Amendment #1, subject to the recommended conditions; and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON2002-00058

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

AIRPORT

REPLACEMENT FILE SERVERS.

Agenda Report No. 02-2137

The current file server computers at the airport were purchased when the network was installed and have reached the end of their life cycle. They are not upgradeable to Windows 2000. It was determined that in order to integrate the local area network at the airport with the local area network at City Hall that both networks should be running the same operating system. IT/IS plans to upgrade the network at City Hall to Windows 2000. This purchase will replace two of the file servers. The others are scheduled for replacement in early 2003.

Business Computer Center is under contract as the preferred provider of computer products for the City of Wichita, and has quoted a price \$15,643.

The money for this purchase is in this year's operating budget.

Motion --carried

Knight moved that the purchase be approved. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 117

AIRPORT

SUPPLEMENTAL AGREEMENTS – OFF-AIRPORT RENTAL CAR AGENCIES.

Agenda Report No. 02-2138

In 1993, the Wichita Airport Authority entered into agreements with both Enterprise and Thrifty Rental Car agencies to provide off-airport car rental services to travelers using Wichita Mid-Continent Airport. Compensation to the WAA for allowing access to Wichita Mid-Continent Airport is 8% of gross receipts.

Currently there are five rental car operators located in the terminal building: Avis, Budget, Dollar, Hertz and National. Agreements with Enterprise and Thrifty allow two additional choices off-airport for travelers in selecting their rental car providers. The agreements with Enterprise and Thrifty expire as of November 30, 2002. This Supplemental Agreement will extend the agreements on a month-to-month basis through November 30, 2004, which is when the on-airport rental car agreements terminate.

Revenue to the WAA through October of this year paid by Enterprise and Thrifty is \$38,687.

Motion --
-- carried

Knight moved that the Agreements be approved and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT

TENANT FACILITY IMPROVEMENTS.

Agenda Report No. 02-2139

On January 8, 2002 City Council approved a project for improvements to the Federal Aviation Administration (FAA) tenant facilities. Additional improvements approved on September 10, 2002 included budget for an upgrade to the wireless data network in the building leased by the FAA.

The wireless data network has been in place in the FAA office building since the early 1990's. The FAA desires to upgrade the CISCO equipment to expand its capabilities to handle more computer workstations.

The equipment and services desired by the FAA will cost \$27,650.19 through Comm Link. The FAA will directly reimburse the WAA for the expense in addition to paying a 12% administrative fee.

Motion --carried

Knight moved that the purchase be approved. Motion carried 7 to 0.

AIRPORT

FAA MASTER SITE LEASE SUPPLEMENT – JABARA - LEASE NUMBER DTFA09-85-L-10194.

Agenda Report 02-2140

The WAA has entered into Master Site Leases with the FAA for both Mid-Continent and Jabara Airports. These leases identify locations and types of equipment installed, monitored, and maintained by the FAA.

This supplement is for use of land by the FAA for the installation and maintenance of a Precision Approach Path Indicator (PAPI) system associated with the new Instrument Landing System (ILS) serving Runway 18 at Jabara Airport. The PAPI will replace the older Visual Approach Slope Indicator (VASI).

Motion --
-- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

DECEMBER 10, 2002

PAGE 118

EXECUTIVE SESSION

Motion -- Knight moved that the City Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation, and legal advice; and preliminary discussions relating to the acquisition of real property for public purposes; and that the City Council return no earlier than 11:20 a.m. Motion carried 7 to 0.

-- carried

RECESS The City Council recessed at 10:40 a.m. and returned to regular session at 11:27 a.m.

Mayor Knight Mayor Knight announced that no action was necessary as a result of the executive session.

ADJOURNMENT The City Council meeting adjourned at 11:27 a.m.

Pat Graves CMC
City Clerk

Workshop: Redistricting; Farm and Art Market